

***United States Court of Appeals
for the Second Circuit***



**APPELLANT'S
BRIEF &
APPENDIX**

76-7352

Signed copy

IN THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

Nos. 76-7352-3

NADINE MONROE, FLOYD RICHARD MONROE AND LISA ALLEN MONROE, Appellants

v.

L. PATRICK GRAY, HENRY HARRIS, WILLIAM MINER, EDWARD MCKAY, FRANK E. DULLEY,
HAROLD J. EISENBERG, ALBERT S. BILL, PHILIP R. DUNN, LOUIS C. WOOL, ANDREW
BRAND, FRANCIS LONDREMAN, GEORGE GILMAN, ICOR SIKORSKY, JR., SUISHAN, SHAPIRO,
WOOL & BRENNAN, THOMAS E. TROLAND, ANGELO SANTANIELLO, FLOYD MONROE, JR., AND
MARTIN GOTTFREDSSON, Appellees

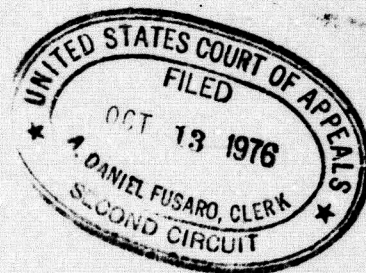
AND

HARRY CONGDON, LOIS CONGDON, JANET CONGDON AND LOIS CONGDON CHURCHILL, ROSE
LEBOVITZ, KEVIN LEBOVITZ, JR., AND ROXANNE LEBOVITZ, Appellants

v.

L. PATRICK GRAY, III, LOUIS C. WOOL, LOUIS C. MARUZO, ROY L. SMITH, MELVIN
SCOTT, JOHN COLLIERAN, JOHN ELLSWORTH, EDWARD LAVALLÉE, HENRY HARRIS, WILLIAM
MINER, EDWARD MCKAY, SUISHAN, SHAPIRO, WOOL & BRENNAN, ABRAHAM FORDON, FRANK
MASTI, JR., STELLA PETRIE, WILLIAM BEARBE, JOHN MAZER, JOSEPH FIRCHLEWSKI,
AND ROBERT T. MAXWELL, Appellees

APPELLANTS' BRIEF ON APPEAL
AND APPENDIX



Nadine Monroe
16 Morgan St.
New London, Conn. 06320

Kevin Lebovitz
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Harry Congdon
Lois Congdon
Janet Congdon
Lois Congdon Churchill
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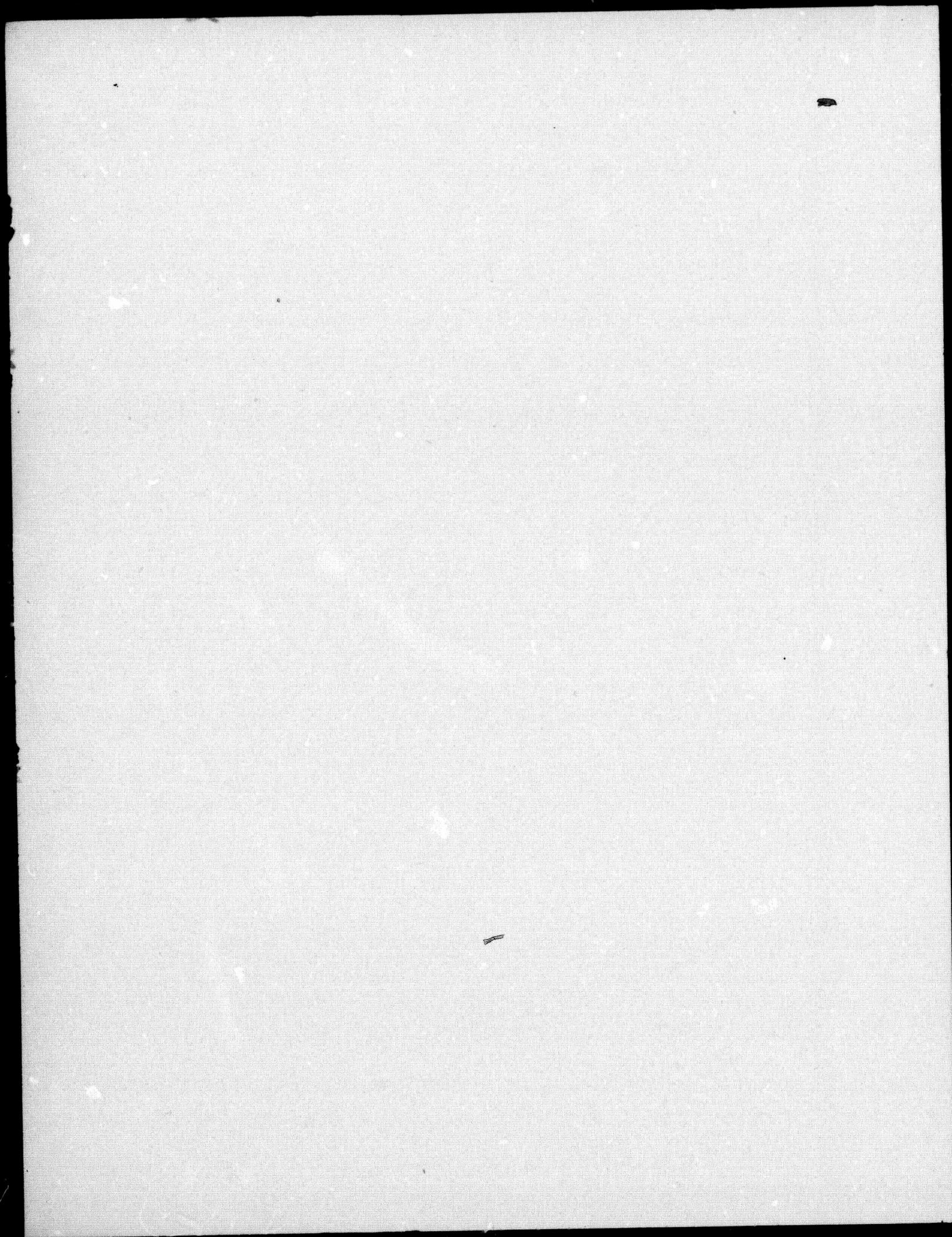
TABLE OF CONTENTS

BRIEF

	Page
A. Statement of Issues	1
B. Statement of Pertinent Facts of the Cases	3
C. Statement of the Cases	6
D. Argument	
Issue 1	7
Issue 2	11
Issue 3	13
Issue 4	18
Issue 5	18
Issue 6	19
Issue 7	19

APPENDIX

Complaint - Monroe et al v. Gray et al, C. A. No. H 76-91	A-1
Complaint - Congdon et al v. Gray et al, C. A. No. H 76-239	A-16
Complaint - United States of America v. American Bar Association, C. A. No. 76-1182, District of Col.	A-25
Relevant Docket Entries	A-28
Authorities - Connecticut General Statutes	A-28



A. STATEMENT OF ISSUES

1. Since the United States of America has sued the American Bar Association for antitrust violation under Title 15, U S Code, C. A. 76-1182, District of Columbia, District Court, the Supreme Court has granted certiorari in Bates v. Arizona, No. 76-613, on October 4, 1976, to review the antitrust and constitutional claims and the issues of the general public's "right to know" involved in disbarment for "advertising" of fees, services, professional specialties, and constitutional and statutory protections available to potential consumers of legal services and lawyer's clients, and since a consent decree has been entered in a case making identical antitrust claims with the instant Complaints, Simmons et al v. Wayne County Bar Association, C. A. No. 76-125-A, Northern District of Ohio, written by the consultant who wrote the instant Complaints, wherein Simmons acted as a "private attorney general", the instant verified Complaints, making identical antitrust claims against lawyers and law firms described as coconspirators of the American Bar Association, should not have been dismissed for failure to state a claim upon which relief could be granted and the instant cases should be remanded for hearing on the issues consistent with the guidelines to be set by the prosecution of United States of America v. American Bar Association, supra, and the decision of the Supreme Court in Bates v. Arizona, supra.

2. The United States District Court, under its local Rule No. 2 (d), should have granted plaintiffs' motion to order the United States Attorney to investigate, for disciplinary proceedings, the verified charges against L. Patrick Gray, Esquire, that he:

(a) Took completed transcripts of the recordings of the illegal "bugs" installed in the Democratic National Committee Headquarters to the White House so that they could be examined by coconspirator Nixon and other Watergate suspects, as admitted by defendant Gray;

(b) In 1971 and 1972, conspired to cause, and caused, violations of the First Amendment and other rights of columnist Jack Anderson and his family, to discredit Anderson in the eyes of the American people, so that they would not rely on the statements in his news articles, weakening our free press, and to punish Anderson for uncovering and printing articles unfavorable to the Nixon administration, including:

(1) conspiring to murder Anderson with an "exotic poison,"

(2) ordering Anderson, his wife, and his children followed by CIA agents every day for several months in 1972,

(3) ferreting out his news sources, and discrediting or damaging them,

(4) destroying his credibility,

(5) attempting to administer "drugs, including halucinogens, to be administered by" application to the steering wheel of (Anderson's) automobile, or by introduction into a bottle of medicine or into a drink,"

(6) illegally wiretapping his telephone.

(c) In the summer of 1972, transported documentary Watergate evidence across state lines instead of turning it over to the Special Prosecutor or the United States Attorney;

(d) Sometime after Christmas, 1972, burned, in Stonington, Conn., Watergate evidence he had been told to "deep six" by Watergate criminals;

(e) Authorized and approved at least 12 illegal burglaries of the offices of various groups and individuals being investigated by the FBI, with no search warrants whatsoever, in 1972-3;

(f) On January 11, 1973, ordered an illegal and unconstitutional "mailcover" on the national headquarters of a legal political party, without any indictment pending against the party or its members, and no search warrant outstanding against the political party;

(g) In March, 1973, committed perjury in the United States Senate hearings on his proposed confirmation as permanent director of the FBI.

3. The District Court committed reversible error in dismissing the instant Verified Complaints on the grounds that they claimed only an unactionable conspiracy against one of the plaintiffs of the two suits, when the Complaint claimed a conspiracy against the general public that had adversely affected and damaged all ten plaintiffs of both Complaints, and many overt acts against specific members of the general public, not plaintiffs.

4. In considering motions to dismiss for failure to state a claim upon which relief can be granted, the District Court must accept all the allegations of the Verified Complaints as true, and if this had been done, the Complaints should not have been dismissed.

5. The Verified Complaints state that there was "action in concert" with state officers invading the constitutionally-guaranteed rights, privileges, and immunities of the plaintiffs.

This is sufficient, under modern standards, to survive motions to dismiss and should have been heard on the merits.

6. Since the District Court allowed some of the suits' plaintiffs to file a "Further Amended Verified Complaint", after considering the pleading, it should not have dismissed for "failure to state a claim upon which relief could be granted".

7. The pleadings of pro se litigants, making serious constitutional and statutory claims, should be treated without regard to technicality and should not be dismissed because of the bias and prejudice of the District Judge against pro se litigants.

B. STATEMENT OF THE PERTINENT FACTS OF THE CASES

1. The defendants in these two cases, a Judge of the New London County Superior Court, 22 Commissioners of the Superior Court, including the members of two county Grievance Committees and two Connecticut Referees, a law partnership, three Selectmen of the Town of Lyme, Connecticut, and four private citizens acting in concert with the state officers, and other coconspirators "have been engaged in a combination and conspiracy" commencing before 1962, and continuing to the filing of these two Complaints, to defraud the plaintiffs (three families in the New London County area) and the general public of due process of law and the equal protection of the law, to intimidate, harass, and punish the plaintiffs and discourage them from exercising constitutional rights, privileges, and immunities, and to restrain the interstate trade of law, set illegal minimum fee schedules, and prevent lawyers from advertising their services and specific state and federal protections otherwise available to the general public. (Para. 3, both Complaints, Appendix, p 2)

2. In furtherance of this conspiracy, the defendants committed the following (and other) overt acts:

a. The members of the New London and Hartford County Grievance Committees refused to present to their respective Superior Courts any offenses by lawyers reported to them by pro se litigants or private individuals, and failed to take effective actions to discipline lawyers (Para. 4A, Verified Complaints) leaving plaintiffs and the general public without the benefits of a disciplined bar, and at the mercy of unscrupulous lawyers.

b. Defendant State Commissioner Londregan refused to complete legal duties for the

Monroe family and concealed this from the Monroes by false statements; disclosed important facts to the opposition he had been instructed not to; falsely informed plaintiff Monroe she could not use the evidence he had shown the opposition; and made false statements to plaintiff Monroe concerning support obligation due her.

c. Defendant State Commissioner Gilman illegally advised his client, plaintiff Monroe, to sign fraudulent income tax returns.

d. Defendant Commissioners and Floyd Monroe failed and refused to provide insurance protection for two plaintiffs, Lisa and Floyd Richard Monroe, minors, and gave perjured testimony injuring the Monroe family's legal position.

e. Defendant Gilman refused to challenge false evidence, and refused to make a claim on funds totalling more than \$150,000 due the plaintiffs; refused to argue pleadings he had already filed denying plaintiffs funds due them; accepted an unjust settlement for the plaintiffs without consent or knowledge of plaintiff Monroe, and permitted other defendants to conceal and remove funds in which plaintiffs had a lawful interest.

f. Defendant Commissioner Wool concealed and removed funds of the plaintiffs; and exerted extortionary pressures on plaintiff Monroe.

g. Defendant Gilman filing pleadings without the knowledge or consent of plaintiff Monroe, making reasonable prompt settlement impossible.

h. Defendants Commissioners Wool and Gilman met, and agreed to deny the Monroes effective representation; thereafter Gilman refused to meet with his client, plaintiff Monroe, threatened her that she would "get nothing", was verbally abusive to plaintiff Monroe, made false statements and refused to use effective evidence she gave him, made false statements about corporate ownership causing plaintiff Nadine Monroe to lose over \$100,000 to which she was entitled, kept documents and refused to return them and other important evidence, extorted money from plaintiff Monroe, withdrew from representing her to deny her counsel when a cross action was filed against her.

i. Defendant Commissioner Wool placed the case on the "uncontested list" forcing plaintiff to hire other counsel to object, who misrepresented his diligence to plaintiff Nadine Monroe, made false promises of prompt litigation, cancelled the deposition of another defendant to deny evidence in her behalf, caused the case to be transferred to a

state referee, denying plaintiffs the right to a judge against their wishes.

j. Defendant Monroe refused to testify and committed perjury.

k. Defendant Sikorsky substituted inexperienced counsel, totally unfamiliar with the case, depriving plaintiffs of competent counsel by the "bait and switch" illegality, falsely charged plaintiff Monroe \$3,000, kept her papers from her, preventing her from putting them in evidence, and attempted extortion of \$336.

l. Defendants caused support checks for the minor plaintiffs to be delayed, and caused plaintiffs to be harassed for medical payments.

m. Defendant Referee Troland "condoned an unpurged act of fraud on the court."

n. The members of the county Grievance Committees refused to hear any complaints against Referees.

o. Defendants falsely represented that litigants must use Referees, denying them an "impartial tribunal."

p. Defendant Sikorsky refused and failed to put in evidence in favor of the plaintiffs, demanded excessive fees from the plaintiffs, and refused to conduct negotiations for payments he had contracted for.

q. The members of the county Grievance Committees made false statements to plaintiffs about the conduct of disciplinary cases they were "investigating", concealed from the plaintiffs the existence of the law entitling them to prosecute attorneys themselves for disbarment or other discipline, refused to perform their duties under Sec. 51-90, against defendant L. Patrick Gray and other defendants, after being informed of a number of felonies they had committed, including, on the part of L. Patrick Gray, the destruction of Watergate evidence and passing on the information to the CREEP criminals obtained by wiretapping.

r. Defendant Judge Santaniello made false statements to plaintiff Monroe about her recourses at law, and concealed from her that she could bring disciplinary action under Connecticut General Statutes, Sec . 51-90.

s. State Commissioners, selectmen, police and private defendants committed land fraud against the Congdon plaintiffs, beat plaintiff Congdon then 65 years old, caused strangers' bodies to be buried in the Congdon plot in the Griffin Cemetery, falsely arrested Mr. Congdon, and prosecuted him maliciously under color of state law, including attaching his

property unconstitutionally. The Grievance Committee defendants refused to do their duty to protect the Congdons by presenting errant lawyers' deeds to the Superior Court.

u. State Commissioner defendants deprived the plaintiffs Lebovitz family, father and children, of each other's care, company, love and affection by various perjuries and contempts of court, but the defendant Grievance Committees, when informed of the situation, refused to take any action to punish the errant lawyers, eliminating this deterrent to the lawyers' criminal behavior, while maintaining close professional and social contacts with the accused lawyers (see Para. 4, both Complaints), failing to protect the consumers of legal services in Connecticut, the general public and the plaintiffs. (End of Para. 4, both Complaints.)

3. The plaintiffs were injured in their minds and bodies by the actions of the defendants, and suffered great financial loss also. (Para. 5, both Complaints).

C. STATEMENT OF THE CASES

The Monroe family (mother, son and daughter) Verified Complaint was filed, and then amended by adding the claims of the Lebovitz family (father, son, and daughter) and the Congdons (father, mother, and two daughters). The Motion to file this Amended Verified Complaint was denied, on April 30, 1976, so the Monroe plaintiffs moved to file the Verified Further Amended Complaint, which motion was granted on May 12, 1976. The Congdon and Lebovitz families then filed their Complaint, composed of their unique claims and repeating the examples of refusals of the Grievance Committees to act according to law set forth in the Monroe family Complaint.

Plaintiff Nadine Monroe moved under District of Connecticut Local Rule 2 (d) that defendant L. Patrick Gray, a member of the bar of the District of Connecticut, be disciplined, on June 24, 1976. On June 30, 1976, the District Court denied this motion.

The District Court dismissed both the complaints on the same Memorandum findings on June 25, 1976, prior to the filing of the Antitrust Complaint, United States of America v. American Bar Association, supra, on June 25, 1976 (Appendix, pp 25) and the granting of certiorari, on October 4, 1976, by the Supreme Court of the United States, in Bates v. Arizona, supra, the appeal of a lawyer in Arizona who was disbarred because

he advertised his services, fees, and federal protections available to his clients. Certiorari was granted so that the Supreme Court can review the antitrust and free speech and press and petitioning for grievances questions presented by disbarment for advertising.

All plaintiffs in both cases filed a timely notice of appeal to this Court. (Appendix, Relevant Docket Entries, p 28).

D. ARGUMENT

1. SINCE THE UNITED STATES OF AMERICA HAS SUED THE AMERICAN BAR ASSOCIATION FOR ANTI-TRUST VIOLATIONS UNDER TITLE 15, U S CODE, C. A. 76-1182, DISTRICT OF COLUMBIA DISTRICT COURT, THE SUPREME COURT HAS GRANTED CERTIORARI IN BATES V. ARIZONA, NO. 76-613, ON OCTOBER 4, 1976, TO REVIEW THE ANTITRUST AND CONSTITUTIONAL CLAIMS AND THE ISSUES OF THE GENERAL PUBLIC'S "RIGHT TO KNOW" INVOLVED IN DISBARMENT FOR "ADVERTISING" OF FEES, SERVICES, PROFESSIONAL SPECIALTIES, AND CONSTITUTIONAL AND STATUTORY PROTECTIONS AVAILABLE TO POTENTIAL CONSUMERS OF LEGAL SERVICES AND LAWYER'S CLIENTS, AND SINCE A CONSENT DECREE HAS BEEN ENTERED IN A CASE MAKING IDENTICAL ANTITRUST CLAIMS WITH THE INSTANT COMPLAINTS, SIMMONS ET AL V. WAYNE COUNTY BAR ASSOCIATION, C. A. No. 76-125-A, NORTHERN DISTRICT OF OHIO, WRITTEN BY THE CONSULTANT WHO WROTE THE INSTANT COMPLAINTS, WHEREIN SIMMONS ACTED AS A "PRIVATE ATTORNEY GENERAL", THE INSTANT VERIFIED COMPLAINTS, MAKING IDENTICAL ANTITRUST CLAIMS AGAINST LAWYERS AND LAW FIRMS DESCRIBED AS COCONSPIRATORS OF THE AMERICAN BAR ASSOCIATION, SHOULD NOT HAVE BEEN DISMISSED FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF COULD BE GRANTED AND THE INSTANT CASES SHOULD BE REMANDED FOR HEARING ON ISSUES CONSISTANT WITH THE GUIDELINES TO BE SET BY THE PROSECUTION OF UNITED STATES OF AMERICA V. AMERICAN BAR ASSOCIATION, SUPRA, AND THE DECISION OF THE SUPREME COURT IN BATES V. ARIZONA, SUPRA.

a. Since "the mere existence of a minimum fee schedule is sufficient to establish liability against the county bar association" Goldfarb v. Virginia Bar Association, 95 S. Ct. 2008; Denman et al v. Schuylkill County Bar Association et al, C. A. 72-2201, E. District of Pa., May 9, 1973, unreported, and both Complaints allege that the defendants and their coconspirators used minimum fee schedules, the court below should have given the pro se plaintiffs an opportunity to prove that minimum or suggested fee schedules were in existence, before dismissing the case, or, to the same effect, ruled that the allegations of the Verified Complaints must be considered as true in considering motions for summary judgment or dismissal.

b. Claims identical to those in the instant verified Complaints were made in Simmons v. Wayne County Bar Association, supra; that case's antitrust claims were not dismissed for "failure to state a claim on which relief can be granted," but relief was granted, and a consent decree was entered with costs against the defendant bar association, on

October 6, 1976. It is highly likely that the defendants will cooperate in a "consent decree" or that the antitrust claims will prevail in a jury trial on remand of these cases.

c. That antitrust claims against bar associations and lawyers, for disbarring attorneys or otherwise disciplining them for advertising, for denying the general public's "right to know", for disciplining lawyers for informing their clients and the general public of federal and state constitutional and statutory rights and protections available when the opposing attorneys and the state court officials do not want to argue or consider constitutional rights, can be made upon which relief can be granted, is shown also by the Supreme Court's granting of certiorari in *Pates v. Arizona*, supra. The Order granting certiorari is not available to plaintiffs-appellants as this brief is being completed, but the description of the Supreme Court proceedings in the New York Times and the Boston Globe of October 5, 1976, indicate that the Supreme Court is planning a landmark decision in the effects of constitutional free speech and advertising, due process protections, antitrust laws and the new "right to know" and "consumer protection" legislation on lawyers, bar associations and state disciplinary procedures. To benefit from the Supreme Court rulings, this Court should remand the cases to the District Court for proceedings in conformity with the Supreme Court decision after discovery has been made.

d. In *United States v. Oregon State Bar*, C. A. 74-362, District of Oregon, the United States claimed relief against a "combination and conspiracy" (consisting) of a continuing agreement and concert of action among the defendant and coconspirators to raise, fix, stabilize, and maintain fees charged by members of the defendant for rendering legal services" and requested relief from the District Court as follows:

"That the defendant, its officers, directors and agents, and all other persons acting or claiming to act on its behalf be enjoined and restrained from, in any manner, directly or indirectly, continuing, maintaining, or renewing the combination and conspiracy hereinbefore alleged and from adopting or following any practice, plan, program, or device having a similar purpose or effect."

The relief was granted. Since the claims in *United States v. Oregon State Bar* are similar to those of the instant Complaints, and the Oregon District Court was able to grant relief, the instant Complaints should not have been dismissed for failure to state

a claim upon which relief could be granted.

e. In the State of Washington, the Disciplinary Board of the Washington State Bar Association charged Attorney Richard Sanders with "advertising his services to the general public" including "providing various brochures and materials regarding the law published by the Washington State Bar Association". Lawyer Sanders, on April 20, 1976, made the following defenses:

"DEFENSES: Notice to the Board of Governors of the Washington State Bar Association and to the Disciplinary Board.

YOU AND EACH OF YOU ARE HEREBY NOTIFIED and advised that your actions and disciplinary rules raised herein violate and are contrary to the following:

I. CONSTITUTIONAL PROVISIONS: 1st and 14th Amendments of the United States Constitution; Article 1, Sections 1, 2, 3, 5, 10, 30 of the Constitution of Washington.

II. CIVIL RIGHTS: 42 USC 1981-1984, Civil Rights Act, May 31, 1870.

III. ANTITRUST LAWS: 15 USC 1-7, Sherman Act, July 2, 1890, as amended; 15 USC 13, 13a, Robinson-Patman Act, June 19, 1936, as amended, 15 USC 45, (Federal Trade Commission Act - Section 5).

DEMAND FOR OPEN MEETING AND JURY OF 12 PERSONS PUBLIC HEARING:

R.C.W. 2.48. 010 provides that the Washington Bar Association is "... an agency of the state...", as such its meeting and that of the disciplinary board are subject to the provisions of R.C.W. 42.30.010 (Open Public Act).

JURY TRIAL: The complaint charges respondent with certain criminal violations, R.C.W. 9.04.020 and R.C.W. 9.12.010. Article 1, Section 21 and the 10th Amendment to the Constitution of Washington provides a defendant (respondent) with the right to a public jury trial - the respondent accordingly demands a jury of no less than 12 persons from a public panel.

DEMAND FOR POLICY CHANGE:

You and each of you are further demanded to change all rules and regulations so that:

1. Information regarding the law, courts, members of the Bar and Bench are made readily available to the public.
2. That lawyers' fees will not continue and remain fixed or at an artificially high rate.
3. Lawyers can openly discuss and publish their views and opinions regarding the law and their profession without censor.
4. Lawyers can freely publish and disseminate their fees and charges to the public.
5. Legal services can be made available to the middle income public at a price they can afford.
6. No restraints or restrictions are placed on competition between lawyers.

The plaintiffs in the instant actions seek the same relief as is demanded by defendant attorney Sanders in his "Demand for Policy Change." The District Court can fashion such relief, and should be required to do so by this Court, after a hearing on the merits. f. This Court must also consider that Referees Troland and Bordon are not state judges, but "referees" not free of economic pressure from lawyers who can decide not to use them if they make decisions the lawyers do not like. Only judges are free of these pressures, serving "for life subject to good behavior" and thus only judges should have immunity from suit.

g. The District Court indicates that the plaintiffs have the right to proceed further in state courts in vindication of their rights. This is not so. Time limitations on state appeals have passed, and the District Court must consider the complaints, especially the claims of the Lebowitz children to be with their father, "as a petition for Writ of Habeas Corpus, the Great Writ." Johnson v. Avery S. Ct. 747. The right to visitation with their father is a federal right, which cannot be taken without due process of law. Mabra v. Schmidt, 356 F. Supp. 620.

h. The Court must not take away federal procedural rights because there may be some procedural rights unexhausted in the state courts. "The federal remedy is supplementary to, and not mutually exclusive of, the state remedy." Monroe v. Pape, 365 US 167, 183, 81 S. Ct. 473.

j. The District Court held that lawyers, though state "Commissioners" are not "state officers" acting under color of state law. In Turner v. DeCarleto in 1972, however, the District Court found that the denial of the right of Turner to file a complaint in the state court solely because he was not a "Commissioner" with that power, was an unconstitutional denial of due process. Obviously there are antitrust violations here too, since only lawyers can practice the "interstate trade" of filing litigation but we should not lose sight of the fact that, if a "Commissioner" is empowered by the state to file litigation, and obtain "attachments and liens" when cases are filed, and private individuals do not have that power, then "Commissioners" take action "under color of state law" to unconstitutionally control and limit the rights and actions of private parties by refusing to file litigation for them, regardless of the merits of the

litigation, if the litigation is displeasing to the "Commissioners". If the state gives the lawyers the power to limit or deny due process in that matter, then lawyers are state officers.

j. The action of lawyers as state officers in denying private parties the right to litigate has been extended to malicious criticism of those who would instruct the laymen in how to proceed in court without lawyers. The defendants here participated, with others of the Connecticut Bar Association, in preparation, publishing, and distribution of a defamatory pamphlet about How to Avoid Probate, and its author, Mr. Dacey. Mr. Dacey sued, and won a \$65,000 verdict against the Connecticut Bar Association in Hartford Superior Court. The Supreme Court of Connecticut overturned the jury verdict on a technicality concerning the legal definition of "malice" that was so flagrant that Mr. Dacey has taken his claim to this Court, and is suing now for \$10,000,000. This demonstrates the vicious pattern of behavior of state lawyers and state judges, and the unfortunate "side effect" of the increase of litigation in this Court. This Court should put a stop to the illegal and unconstitutional actions of the state bar including the state judges that wink at massive violations of the Code of Professional Responsibility and, worse yet, the Constitutions and laws of Connecticut and even of the United States. In three areas, unconstitutional attachments, abortion, and illegal minimum fee schedules, the bar of Connecticut has sought, by legislation and covert private acts, to subvert and eliminate the effect of U.S. Supreme Court decisions in these areas.

2. THE UNITED STATES DISTRICT COURT, UNDER ITS LOCAL RULE NO. 2 (D), SHOULD HAVE GRANTED PLAINTIFFS' MOTION TO ORDER THE UNITED STATES ATTORNEY TO INVESTIGATE, FOR DISCIPLINARY PROCEEDINGS, THE VERIFIED CHARGES AGAINST L. PATRICK GRAY, ESQUIRE, THAT HE: (A) TOOK COMPLETED TRANSCRIPTS OF THE RECORDINGS OF THE ILLEGAL "BUGS" INSTALLED IN THE DEMOCRATIC NATIONAL COMMITTEE HEADQUARTERS TO THE WHITE HOUSE SO THAT THEY COULD BE EXAMINED BY COCONSPIRATOR NIXON AND OTHER WATERGATE SUSPECTS, AS ADMITTED BY DEFENDANT GRAY; (B) IN 1971 AND 1972, CONSPIRED TO CAUSE, AND CAUSED, VIOLATIONS OF THE FIRST AMENDMENT AND OTHER RIGHTS OF COLUMNIST JACK ANDERSON AND HIS FAMILY, TO DISCREDIT ANDERSON IN THE EYES OF THE AMERICAN PEOPLE, SO THAT THEY WOULD NOT RELY ON THE STATEMENTS IN HIS NEWS ARTICLES, WEAKENING OUR FREE PRESS, AND TO PUNISH ANDERSON FOR UNCOVERING AND PRINTING ARTICLES UNFAVORABLE TO THE NIXON ADMINISTRATION, INCLUDING: (1) CONSPIRING TO MURDER ANDERSON WITH AN "EXOTIC POISON," (2) ORDERING ANDERSON, HIS WIFE, AND HIS CHILDREN FOLLOWED BY CIA AGENTS EVERY DAY FOR SEVERAL MONTHS IN 1972, (3) FERRETING OUT HIS NEW SOURCES, AND DISCREDITING OR DAMAGING THEM, (4) DESTROYING HIS CREDIBILITY, (5) ATTEMPTING TO ADMINISTER "DRUGS, INCLUDING HALUCINOGENS, TO BE ADMINISTERED BY APPLICATION TO THE STEERING WHEEL OF (ANDERSON'S) AUTOMOBILE, OR BY INTRODUCTION INTO A BOTTLE OF MEDICINE OR INTO A DRINK," (6) ILLEGALLY WIRETAPPING HIS TELEPHONE. (C) IN THE SUMMER OF 1972

TRANSPORTED DOCUMENTARY WATERGATE EVIDENCE ACROSS STATE LINES INSTEAD OF TURNING IT OVER TO THE SPECIAL PROSECUTOR OR THE UNITED STATES ATTORNEY; (D) SOMETIME AFTER CHRISTMAS, 1972, BURNED, IN STONINGTON, CONN., WATERGATE EVIDENCE HE HAD BEEN TOLD TO "DEEP SIX" BY WATERGATE CRIMINALS; (E) AUTHORIZED AND APPROVED AT LEAST 12 ILLEGAL BURGLARIES OF THE OFFICES OF VARIOUS GROUPS AND INDIVIDUALS BEING INVESTIGATED BY THE FBI, WITH NO SEARCH WARRANTS WHATSOEVER, IN 1972-3; (F) ON JANUARY 11, 1973, ORDERED AN ILLEGAL AND UNCONSTITUTIONAL "MAILCOVER" ON THE NATIONAL HEADQUARTERS OF A LEGAL POLITICAL PARTY, WITHOUT ANY INDICTMENT PENDING AGAINST THE PARTY OR ITS MEMBERS, AND NO SEARCH WARRANT OUTSTANDING AGAINST THE POLITICAL PARTY; (G) IN MARCH, 1973, COMMITTED PERJURY IN THE UNITED STATES SENATE HEARINGS ON HIS PROPOSED CONFIRMATION AS PERMANENT DIRECTOR OF THE FBI.

a. Defendant L. Patrick Gray is a member of the bar of the U. S. District Court, District of Connecticut, and subject to its Local Rule 2 (d), which provides for discipline of the members of its bar. The District Court, in the person of District Judge Blumenfeld, decided to reject the verified statements in both Complaints about the admitted felonious behavior of defendant Attorney Gray, the common knowledge available to him as a judge, and the federal civil complaint filed by national columnist Jack Anderson and his family against defendant Gray, and denied the motion under Local Rule 2 (d). Instead of taking judicial notice of defendant Gray's unconscionable behavior, Judge Blumenfeld chose "judicial disregard," or "benign neglect" of defendant Gray's many admitted felonies.

b. In effect, the District Court has said that it is perfectly alright for the grievance committee defendants to punish lawyers for sending out "excess Christmas cards", perfectly alright for defendant Gray to burn Watergate evidence he had carried over state lines, in the greatest "obstruction of justice" case the United States has ever seen, and for the grievance committee members not to investigate him for discipline. The plaintiffs cannot understand this set of decisions and moral judgments by the District Court, and so can only conclude that the District Court feels that whatever lawyers do is satisfactory, and whatever pro se litigants attempt is wrong, the District Court should have moved on its own when it received the verified Complaints setting forth Gray's behavior and Gray failed to deny immediately such behavior under oath. The failure of the District Court to maintain minimal standards of decency and honesty and lawful behavior by lawyer Gray can result in but one conclusion, that the District

Court is biased against pro se litigants, and in favor of lawyers.

c. District Court Judge Blumenfeld's bias against pro se litigants is demonstrated in his ignoring of a signal victory by a pro se litigant in the Supreme Court of the United States while castigating and chastising the pro se litigant for filing unsuccessful causes. In *Tucker v. Crikelair*, C. No. H-75-310, District Judge Blumenfeld's Memorandum of Decision dated August 16, 1976, lists, in Footnote No. 1, page 2, the case "*Tucker v. Maher*, Civil No. 13,786 (D. Conn. Nov. 6, 1972) (dismissed), aff'd, 497 F. 2d 1309 (2d Cir. 1974)" ignoring entirely that Tucker, pro se, lost in the Second Circuit in early 1973, then petitioned, pro se, in early 1973 for certiorari in the Supreme Court, and certiorari was granted and the case reversed and remanded summarily, in light of the Supreme Court's decisions in *Sniadach v. Family Finance*, 89 S. Ct. 1820 and *Lynch v. Household Finance*, 92 S. Ct. 1113. After his victory in the Supreme Court, Tucker was informed by District Judge Blumenfeld that his case was moot because the legislature had changed the attachment laws of Connecticut forbidding the further attachment of real property without the due process protection of notice and an opportunity to be heard. Tucker had suffered monetary damage from the unconstitutional attachments, including damage to his credit and earning capabilities, but Judge Blumenfeld dismissed his amended Complaint, contrary to the ruling in *Howard v. Kamen*, C. A. 73-3316, Dist. of Massachusetts, Dec. 3, 1967, unreported, that even after an unconstitutional attachment of real estate is removed or dissolved, the victim of the unconstitutional attachment may press his claim for money damages in ^a federal case filed to end the unconstitutional limitations of the use of the victim's property. Tucker appealed the dismissal of his money damages claims to the 2nd Circuit, it affirmed the dismissal in 1974. Not giving Tucker, pro se, credit for his phenomenal victory in the Supreme Court of the United States, while criticizing him for the several actions he lost, demonstrates the District Judge's bias against pro se litigants.

3. THE DISTRICT COURT COMMITTED REVERSIBLE ERROR IN DISMISSING THE INSTANT VERIFIED COMPLAINTS ON THE GROUNDS THAT THEY CLAIMED ONLY AN UNACTIONABLE CONSPIRACY AGAINST ONE

OF THE PLAINTIFFS OF THE TWO SUITS, WHEN THE COMPLAINT CLAIMED A CONSPIRACY AGAINST THE GENERAL PUBLIC THAT HAD ADVERSELY AFFECTED AND DAMAGED ALL TEN PLAINTIFFS OF BOTH COMPLAINTS, AND MANY OVERT ACTS AGAINST SPECIFIC MEMBERS OF THE GENERAL PUBLIC, NOT PLAINTIFFS.

a. The District Court, in dismissing the actions, alludes to arguments by the defendants that the plaintiffs have not been injured more than the general public by the misconduct of the defendants including the refusal of the defendant Grievance Committees members to discipline members of the bar. Plaintiffs have been injured more than the general public, i.e. they have been injured more than those who have not had to rely on the state courts for justice, and who have not had to retain lawyers to attempt to gain their federal rights.

Even if this were so "Plaintiffs' standing is not defeated by the fact that his injuries are shared by countless others", *Ash v. Cort*, 496 F 2d 416, C. A. 3, April 16, 1974, Slip Opinion, page 5. Also at Page 5, "plaintiff alleges economic injury, *** as a citizen and voter whose ability to secure a responsive government has been lessened. While these injuries, tangible and intangible, may be small, they are personal to the plaintiff, directly related to his claim, and may be remedied by the injunctive and damage relief sought; hence they are sufficient to support plaintiff's standing. See *U. S. v. Students Challenging Regulatory Agency Procedures (SCRAP)* 412 US 669, 685-89 (1973) and cases cited *id.* at 689, n 15." "*SCRAP* declared that standing is not lost because the harm asserted is universally shared. *U. S. v. SCRAP*, *supra*, at 686-88." Also, in *Ash v. Cort*, at 420, the Third Circuit held that because they were asked to "adjudicate private rights" (as in instant cases), "we need not determine whether the statute asserted to provide plaintiff's cause of action places him outside the class permitted to invoke our processes. Cf *Davis v. Romney*, Nos. 73-1249 & 73-1420, slip. op. at 3-5 (3d Cir. 1974)."

In addition to the basis for accepting jurisdiction found in Ash, this Court has verified statements that the instant plaintiffs are sensitive to injustice, more than the average in the class "governed persons", and have suffered adverse reactions, including mental pain and anguish, to the criminal acts of the defendants. Greater

damage was done by the realization that they, with only honest work and good citizenship to contribute, were ineffectual, and deprived of their rights to participate in the discipline of the bar because they are laymen, not lawyers. Other aspects of the decision in *Ash v. Cort*, supra, that have not been upheld by this Court include:

Violation of 18 USC 241, 242, 371 is sufficient to sustain a civil suit for monetary damages. *Ash*, Slip op at 1. "Even if the plaintiff has no live claim for injunctive relief, the dispute over damages renders this controversy justiciable." At 419

"*Sierra Club v. Morton*, 405 US 727, 733 (1972), is not applicable because the Court is not asked to review administrative action (at 5), and the instant plaintiffs have an interest, and have stated it, as the *Sierra Club* did not."

The standards for an implied cause of action requires that "the provision violated was designed to protect a class of person including the plaintiffs from the harm of which plaintiff(s) complains and that it is appropriate in light of the statute's purposes, to afford plaintiff the remedy sought. *Blivens v. Six Unknown Named Agents*. 403 US 338, 395-97 (1971)" and other cases. *Ash*, 421. Note here also that state provisions designed to protect the justice-seeking public (and anyone in the state's jurisdiction) were stated by the instant plaintiffs in their Complaints. "Courts have consistently held that statutes providing for criminal liability do not preclude assertion of private causes of action." *Ash*, 422. This lack of morality is responsible, in part, for the mental pain and anguish of the instant plaintiffs.

"As voter(s) and citizen(s), plaintiff(s) are within the class Congress sought to protect. Cong. Rec. 43379-81 (1971) remarks of Cong. Hansen." *Ash*, 422.

The harm to plaintiff(s) as citizens, while not set forth explicitly in his complaint, is presumably the intangible harm foreseen by Congress. *Ash*, 422. The District Court apparently overlooked the intangible but painful harm to the plaintiffs in this action.

"We reject defendants' argument that provisions designed for the protection of the entire (Connecticut) public cannot give rise to implied causes." *Ash*, 423. It should be noted that the instant defendants asked for, and received, a great deal of extra time for their responsive pleadings, and then ignored *Ash v. Cort*, supra.

"The (Legislative) intent to protect many people from many possible violations also favors individual suits to enforce the act as the number of putative defendants, committing acts more likely to be covert than notorious, is so great that government enforcement also might prove insufficient." Ash at 423.

"The nature of the Prohibited conduct further supports provision of private remedies." "The politician whose (appointment) is facilitated by violation of Sec. 610 may be in charge of the statute's enforcement." Ash at 423.

"The District Court erred in granting summary judgment (for the defendant) and denying plaintiff's motion for an evidentiary hearing." Ash at 426.

"When this (Ash) case was before us on appeal of the preliminary injunction denial, the complaint asserted pendent federal jurisdiction over a claim arising under state law; (and sought) damages for the claimed law violation." Ash at 419.

"The dispute over damages renders this controversy justiciable. See *Powell v. McCormack*, 395 US 486, 495-500 (1969)." At 419.

"As a constitutional matter, all that is required for standing is that the plaintiff have been personally injured or be threatened with such injury and that the injury be directly related to plaintiff's legal claim. *Flast v. Cohen*, 392 US 83, 101, (1968). *Baker v. Carr*, 397 US 186, 204, *** Plaintiff alleges economic injury *** and further injury as a citizen and voter whose ability to secure a responsive federal government has been lessened. *** Plaintiff's standing is not defeated by the fact that his injuries are shared by countless others. *** *Flast* at 93-94, declared that standing is not lost because the harm asserted is universally shared". At 420.

"Alleging personal injury from defendants' violation of a federal statute (18 USC Sec. 421, 242, 371, plaintiff may invoke our jurisdiction under 28 USC Sec. 1331 (1970)." At 420.

"Courts ascertain the policies underlying the substantive law and determine the propriety, as a means of effectuating those policies of affording litigants a particular remedy. *Bivens v. Six Unknown Named Agents*, supra, and 402-03, n. 4 (Harlan, J. concurring); *Holloway v. Bristol-Myers Corp.*, 485 F 2d 986, 989-99 (D.C. Cir 1973)." At 421.

"Courts have consistently held that statutes providing for criminal liability do not preclude assertion of private causes of action. *E. G. Wyandotte Co. v. United States*, 389 US 191, 200-02; *Texas & Pacific Ry. v. Rigsby*, 241 US 33, 39-41 (1916). In *Rigsby* the Supreme Court, inferring a private cause of action for violation of a criminal provision, distinguished "remedial" from "penal" application of a statute. *Id.* at 41" At 422.

"The harm to plaintiff as a voter and citizen, while not set forth explicitly in his complaint (but set forth explicitly in the instant complaint as harm done at the knowledge of such flagrant and callous disregard of the law, moral, principles, and the root fibre of our democracy), is presumably the intangible harm foreseen by Congress. *** Clearly plaintiffs satisfy the First Amendment requirement for determining a cause of action". At 422.

"Thus we find allowance of a private cause of action, whether brought by a citizen to secure injunctive relief or by a stockholder to secure injunctive or derivative damage relief, proper." At 424.

"The District Court erred in granting summary judgement and denying plaintiff's motion for an evidentiary hearing." At 426.

Arguing further plaintiffs' standing to make their claims upon which the District Court may grant relief, we go to *Sierra Club v. Morton*, supra, where at 731-32, it is held that the "standing to sue" depends upon whether the party has alleged a "personal stake in the outcome of the controversy;" *Baker v. Carr*, 369 US 186, 204, so as to insure that "the dispute sought to be adjudicated will be presented in an adversary context and in form historically viewed as capable of judicial resolution." *Flast v. Cohen*, supra. Plaintiffs have alleged a personal monetary stake in the "outcome of the controversy". *Sierra* goes on to hold:

"(In) *Data Processing Service v. Camp*, 397 US 150, and *Barlow v. Collins*, 397 US 159, decided the same day, we held more broadly that persons had standing to obtain judicial review of federal agency action under Sec. 10 of the APA where they alleged that the challenged action had caused them 'injury in fact' and where the alleged injury was to an interest 'arguable within the zone of interests to be protected or regulated' by the statutes that the (defendants) were claimed to have violated." At 733.

"(T)he fact that these particular environmental interests are shared by the many rather than the few does not make them less deserving of legal protection through the judicial process. The 'injury in fact' test requires more than an injury to cognizable interest. It requires that the party seeking review be himself among the injured." At 734-35.

"*Scripps-Howard (Radio v. FCC)*, 316 US 4) was clearly 'aggrieved by reason of the economic injury' that it would suffer as a result of the commission action." At 736-37.

"(T)he fact of economic injury is what gives a person standing to seek judicial review under the statute, but once review is properly invoked, that person may argue the public interest in support of his claim." At 737.

"It is in a similar sense that we have used the phrase 'private attorneys general' to describe the function performed by persons upon whom Congress has conferred the right to seek judicial review of agency action. See *Data Processing*, supra, at 154." At 737-38.

"The trend of cases ****has been toward recognizing that injuries other than economic harm are sufficient to bring a person within the meaning of the statutory language, and toward discarding the notion that an injury that is widely shared is ipso facto not an injury sufficient to provide the basis for judicial review." At 738.

"(T)he interest alleged to have been injured 'may reflect aesthetic, conservational, and recreational as well as economic values'." At 738.

"The requirement that a party seeking review must allege facts showing that he is himself adversely affected does not insulate executive action from judicial review, nor does it prevent any public interests from being protected through the judicial process. It does serve as at least a rough attempt to put the decision as to whether review will be sought in the hands of those who have a direct stake in the outcome." At 740.

"It will be seen, also, that by leaving it to private interest to censure the law, and by intimately uniting the trial of the law with the trial of an individual, legislation is protected from wanton assaults and from the daily aggressions of party spirit. The errors of the legislator are exposed only to meet a real want, and it is always a positive and appreciable fact that must serve as the basis of a prosecution. 1 Democracy in America 102 (1945) De Tocqueville.

b. The defendants argue that state judges are immune from suit under Sec. 1983, but overlook the law that state judges are subject to control by injunctive relief. *Younger v. Harris*, 401 US 37. It is true that a "court of the United States may not grant an injunction to stay proceedings in a state court" as argued by the defendants, according to 28 USC Sec. 2283, but there is an exception, "except as expressly authorized by Act of Congress (and 42 USC, Sec. 1983 has been ruled as such an Act) or where necessary in aid of its jurisdiction, or to protect or effectuate its judgments". These exceptions have been used since the end of the Civil War to protect the rights of the inhabitants of the United States from infringement by state judges. The District Court should do no less.

4. IN CONSIDERING A MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED, THE DISTRICT COURT MUST ACCEPT ALL THE ALLEGATIONS OF THE VERIFIED COMPLAINT AS TRUE; IF THIS HAD BEEN DONE, THE COMPLAINTS WOULD NOT HAVE BEEN DISMISSED.

Rule 12 (b) (6), Fed. R. Civ. P., provides that a Complaint may be dismissed for failure to state a claim upon which relief can be granted. In considering a dismissal under Rule 12, the District Court must consider all the allegations of the Complaint as true, even if the Complaint is not verified, as the instant Complaints are. In light of the decisions in *Bates v. Arizona*, supra, and *United States v. Oregon State Bar*, supra, the U. S. prosecution of the ABA, and the consent decree in *Simmons v. Wayne County Bar Association*, supra, all confirming antitrust claims of the instant Complaint, and the fact that any illegal restraint of the practice of law is, in essence, also unconstitutional denial of the Fifth and Fourteenth Amendments' guarantees of due process of law, the Complaints should not have been dismissed for failure to state claims upon which relief could be granted.

5. THE VERIFIED COMPLAINTS STATE THAT THERE WAS "ACTION IN CONCERT" WITH STATE OFFICERS INVADING THE CONSTITUTIONALLY-GUARANTEED RIGHTS, PRIVILEGES, AND IMMUNITIES OF THE PLAINTIFFS; THIS IS SUFFICIENT, UNDER MODERN STANDARDS, TO SURVIVE MOTIONS TO DISMISS AND SHOULD HAVE BEEN HEARD ON THE MERITS.

In *Denman et al v. Shubow et al*, No. 7043, Court of Appeals for the First Circuit, Dec. 14, 1967, unreported, it was ruled that a Complaint alleging that a private individual, attorney Shubow, "acted in concert" with state officers invading the Constitutionally-guaranteed rights, privileges, and immunities of Denman and his children was "minimum pleading" but according to "modern standards" would survive the motion for dismissal for failure to state a claim upon which (federal) relief could be granted, citing *U. S. v. Price*, 86 S. Ct. 1152, 1157. Footnote 7, at 86 S. Ct. 1157, points out that 42 USC Sec. 1983 is the civil counterpart of 18 USC Sec. 241. Plaintiffs in the instant actions have alleged a 18 USC Sec. 241 "combination and conspiracy" on the part of the defendants, which allegation was adopted directly from the indictment of F. Lee Bailey and others in the Middle District of Florida in 1974. Since this conspiracy resulted in injuries to the plaintiffs, they are entitled to sue for injunctive relief and money damages under the "civil counterpart," 42 USC Sec. 1983.

6. SINCE THE DISTRICT COURT ALLOWED ONE OF THE SUITS' PLAINTIFFS TO FILE A "FURTHER AMENDED VERIFIED COMPLAINT", AFTER CONSIDERING THE PLEADING, IT SHOULD NOT HAVE DISMISSED FOR "FAILURE TO STATE A CLAIM UPON WHICH RELIEF COULD BE GRANTED".

After denying, on April 30, 1976, the Monroe plaintiffs' motion to file an Amended Verified Complaint, the District Court received, and allowed, the Motion to File the Verified Further Amended Complaint, on May 12, 1976. The claims of the Further Amended Complaint had been considered in deciding on whether the Motion to file should be allowed, and the decision was favorable. If the District Court felt that the Further Amended Complaint did not state a claim upon which relief could be granted, it should have denied the motion to file the Further Amended Complaint, without prejudice to amend.

7. THE PLEADINGS OF PRO SE LITIGANTS, MAKING SERIOUS CONSTITUTIONAL AND STATUTORY CLAIMS, SHOULD BE TREATED WITHOUT REGARD TO TECHNICALITY AND SHOULD NOT BE DISMISSED BECAUSE OF THE BIAS AND PREJUDICE OF THE DISTRICT JUDGE AGAINST PRO SE LITIGANTS.

Picking v. Penna. Ry. Co., 151 F. 2d 240, holds that the pleadings of pro se litigants, espousing complex civil rights causes, should be considered without regard to technicality. In the 6th Circuit, *Puckett v. Cox*, 456 F. 2d 233, makes the same ruling, stating, as the Supreme Court has, that pro se litigants will not be held to the same levels of technical perfection in their pleadings as attorneys in the preparation of theirs. This

principle should be applied in the instant actions; it is felt that this just principle, in full accordance with the spirit and letter of Rule 1, FRCP, was not applied in the instant Complaints because of the District Court Judge's bias against pro se pleaders.

CONCLUSION

These dismissals should be overturned, and the cases returned to the District of Connecticut with instructions to permit full discovery while waiting for the Supreme Court's definitive decision in *Bates v. Arizona*, supra, so that the cases may be disposed of with the benefit of full factual knowledge of the cases in accordance with the Supreme Court decision in *Bates*.

By the Appellants, pro se

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CERTIFICATE OF SERVICE

I, Nadine Monroe, certify that I have mailed 2 copies of the above Brief to all the attorneys of record for the defendants-appellants herein, this date, Oct. 9, 1976, first class postage prepaid.

Nadine Monroe
Nadine Monroe

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

U. A. NO. H 70-71

NADINE MONROE and FLOYD RICHARD MONROE and LISA ALLEN MONROE by their mother, next friend, and natural guardian, Nadine Monroe, Plaintiffs

v.

L. PATRICK GRAY, Esquire, individually and as Commissioner of the Courts of Connecticut;

HENRY HARRIS, WILLIAM MINER, and EDWARD MCKAY, Esquires, individually, and as Chairman and Member, respectively, of the New London County Grievance Committee, and as Commissioners of the Courts of Connecticut;

FRANK E. DULLY, HAROLD J. EISENBERG, ALBERT S. BILL and PHILIP R. DUNN, Esquires, individually and as Chairman, Members and Counsel, respectively, for the Hartford County Grievance Committee and as Commissioners of the Courts of Connecticut;

LOUIS C. WOOL, ANDREW BRAND, FRANCIS LONDREGAN, GEORGE GILMAN and IGOR SIKORSKY, JR., Esquires, individually and as Commissioners of the Courts of Connecticut;

SUISMAN, SHAPIRO, WOOL & BRENNAN, a law partnership;

THOMAS E. TROLAND, Esquire, individually and as Referee of the New London County Superior Court and Commissioner of the Court of Connecticut;

ANGELO SANTANIELLO, individually and as Judge of the New London County Superior Court and Commissioner of the Courts of Connecticut;

FLOYD MONROE, JR., and

MARTIN GOTTESDIENER, individually and as a Certified Public Accountant of Connecticut, Defendants.

TRIAL BY JURY REQUIRED

VERIFIED FURTHER AMENDED COMPLAINT

1. This action arises under the Constitution of the United States and its First, Fifth, Eighth, Ninth, and Fourteenth Amendments; 15 USC Section 1, 3, 13, 15, and 25, 28 USC Sections 1331 and 1343; 42 USC Sections 1983, 1985, 1986, and 1988, and the laws of the State of Connecticut. The amount in controversy exceeds the sum of Ten Thousand Dollars, exclusive of interest and costs.
2. Defendants L. Patrick Gray, Henry Harris, William Miner, Edward McKay, Frank E. Dully, Harold J. Eisenberg, Albert S. Bill, Philip R. Dunn, Louis C. Wool, Andrew Brand, Francis Londregan, George Gilman, Igor Sikorsky, Jr., Thomas Troland and Angelo Santaniello, (hereinafter Gray, Harris, Miner, McKay, Dully, Eisenberg, Bill, Dunn, Wool, Brand, Londregan, Gilman, Sikorsky, Troland and Santaniello, respectively) are all Attorneys at Law, duly admitted to practice and practicing under color of law of the State of Connecticut, and Commissioners of the Courts of Connecticut. Defendants Gray, Wool, and Brand are members of Suisman, Shapiro, Wool & Brennan (hereinafter the "partnership"), a law partnership, duly registered as such with the

appropriate municipal agency. Defendant Martin Gottesdiener, (hereinafter Gottesdiener) is a Certified Public Accountant, duly examined, appointed and acting as such under color of law of Connecticut. Defendants Harris, Miner and McKay are the duly appointed and acting Chairman and Members, respectively, of the New London County Grievance Committee, acting at all times herein under color of law of Connecticut. Defendants Kelly, Eisenberg, Bill and Dunn are the duly appointed Chairman, Members and Counsel of the Hartford County Grievance Committee, acting at all times herein under color of law of Connecticut. Defendant Troland is a duly appointed and acting State Referee, acting at all times herein under color of the laws of Connecticut. Defendant Santaniello is the duly appointed and acting Presiding Judge of the New London County Superior Court, acting at all times herein under color of law of Connecticut.

3. Prior to 1962, and continuing thereafter up to and including the filing of this Complaint, the defendants did unlawfully, knowingly, and wilfully combine, conspire, confederate and agree together and with each other, and with diverse other persons, under color of state law, to commit offenses against the United States and acts injurious to the plaintiffs, that is:

a. To knowingly and wilfully deny and defraud, by various schemes and artifices, including the bait and switch technique, the plaintiffs, and the public in general, of due process of law and the equal protection of the law, under color of state law, in violation of the 14th Amendment of the Constitution of the United States, Title 18, United States Code, Section 241; and Title 42, US Code Sections 1983 and 1985;

b. To knowingly and wilfully threaten, intimidate, harass, punish and discourage, under color of state law, the plaintiffs and the public in general, from exercising the plaintiffs' and public's constitutionally-guaranteed rights, and chill the ardor of the plaintiffs and the general public to exercise constitutionally guaranteed rights, privileges and immunities, in violation of the Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States, Title 18, US Code Section 242, and Title 42, US Code Sections 1983 and 1985;

c. To knowingly and wilfully restrain the practice of law, an interstate trade, to deny the plaintiffs and the general public the benefits of constitutional and legal protections, and set, maintain and enforce illegal minimum fee schedules; in violation of the Fifth and Fourteenth Amendments of the Constitution of the United States and Title 15, US Code Sections 1, 3, 13, 15, and 25, all of which was in violation of Title 18, US Code Section 371;

4. In furtherance of the above conspiracy and in order to effect its objectives, the defendants did commit, among others, the following overt acts in New London County, Connecticut and elsewhere:

OVERTS ACTS

A. At some time prior to August, 1968, defendants Harris, Miner and McKay were appointed members of the New London County Grievance Committee, hereinafter the "Grievance Committee", and caused to be commenced and commenced to deny the general public speedy, just, even-handed and inexpensive determination of the public's grievances against New London County lawyers. They refused and failed to present to the New London County Superior Court any offenses reported to them by pro se litigants or the general public, and took action only against lawyers who were complained of by the New London County Bar Association's Board of Governors and failed to take effective action against any lawyer against whom a grievance was or should have been filed.

B. In August, 1968, defendant Londregan lied to plaintiff Nadine Monroe concerning legal duties he had contracted to perform for her and her children, causing from her that he was denying them due process of law.

C. Later in the fall of 1968, defendant Londregan showed defendant Wool, attorney for defendant Floyd Monroe, important material evidence which plaintiff Nadine Monroe had instructed him not to disclose to the opposition.

D. After showing defendant Wool the evidence he was not to divulge, defendant Londregan, on instruction of defendant Wool, falsely informed plaintiff Nadine Monroe she could not use the evidence, denying the Monroe plaintiffs their right to introduce evidence in support of their cause.

E. In November, 1968, defendant Londregan made false recommendations to plaintiff Nadine Monroe concerning the amount of support she should obtain from defendant Floyd Monroe, denying the Monroe plaintiffs due process of law in the judicial determination of amounts due them.

F. In April, 1969, defendant Gilman, after becoming counsel for plaintiff Nadine Monroe, illegally advised her to sign fraudulent income tax papers.

G. Shortly before June 13, 1969, defendants Gilman, Wool and Floyd Monroe failed and refused to provide insurance protection for plaintiffs Lisa and Floyd Richard, and on June 13, 1969, caused to be given and gave fraudulent perjured testimony injurious to the plaintiffs' cause, which perjury was not discovered by the plaintiffs until late in August, 1971.

H. On June 13, 1969, defendant Gilman refused to challenge false evidence sub-

mitted by defendants Wool and Floyd Monroe, and failed and refused to obtain an order for payment to which the plaintiffs were entitled as a matter of law.

I. Later that same day, defendant Gilman failed and refused to make a claim on funds which were due the plaintiffs as a matter of law.

J. Later that day, defendant Gilman failed and refused to argue pleadings he had previously filed, denying the plaintiffs benefits of funds they were due as a matter of law.

K. Still later that day, defendant Gilman accepted unjust settlement for the plaintiffs without knowledge or consent of plaintiff Nadine Monroe.

L. On June 13, 1969, at the end of the court proceeding, defendant Gilman advised plaintiff Nadine Monroe against prompt termination of the litigation, intending thereby to permit, and permitting, defendants Wool and his client, defendant Floyd Monroe, to conceal and remove funds in which the plaintiffs had a lawful interest.

M. On July 14, 1969, defendant Wool filed a pleading in the New London County Superior Court, and by prearrangement with defendant Gilman, the pleading was not prosecuted, thereby allowing the concealment and removal of funds to continue.

N. On January 21, 1971, defendant Wool filed a pleading to exert extortionary pressure on plaintiff Nadine Monroe, and defendant Gilman failed and refused to respond to the pleading to deny the plaintiffs a speedy determination of the issues.

O. On February 17, 1971 defendant Gilman filed an unjustified pleading seeking payment of \$7,500 from defendant Floyd Monroe without knowledge or consent of plaintiff Nadine Monroe, making reasonable and prompt settlement of the issues and termination of the proceedings impossible.

P. Shortly after August 21, 1971, when plaintiff Lisa Monroe was injured in an auto accident in a car driven by defendant Floyd Monroe, defendant Gilman refused to obtain a court order for reasonable protection of the minor Monroe plaintiffs.

Q. On September 27, 1971 defendants Wool and Gilman met for two hours, and agreed to deny the Monroe plaintiffs effective representation.

R. In October, 1971, defendant Gilman made himself unavailable to plaintiff Nadine Monroe, and instructed his secretary to inform her that he was on vacation, and defendant Floyd Monroe threatened he would "play dirty" if plaintiff Nadine Monroe continued to press for the divorce.

S. In November, 1971, defendant Gilman became insulting and verbally abusive

and shouted at plaintiff Nadine Monroe. He made false statements that she had no grounds for divorce and refused to use effective material evidence in his possession. He stated falsely that the Floyd Monroe and Son corporation, whose sole owner was defendant Floyd Monroe, was not a family asset which the plaintiff could share, as a matter of law. He falsely and extortionately maintained to plaintiff Nadine Monroe that she should accept a \$10,000 settlement and the "privilege" of obtaining the divorce, and that if she did not, she would get "nothing".

T. On December 1, 1971, defendant Gilman refused to return papers, including evidence not introduced in court, to plaintiff Nadine Monroe until or unless she paid him an extortionate sum. He did not return her papers until February 1, 1972.

U. On January 26, 1972, defendant Gilman filed a request to withdraw from the case.

V. On January 27, 1972, the next day, defendant Wool filed a cross complaint for divorce for defendant Floyd Monroe.

W. On March 2, 1972, defendant Wool filed a motion to place the complaints on the uncontested list knowing full well that plaintiffs wished to contest the complaints, making it necessary for Nadine Monroe to hire defendant Sikorsky to prepare and file her objection to uncontested proceedings.

X. In the period March 2 to 13, 1972, defendant Sikorsky misrepresented his diligence to plaintiff Nadine Monroe, and promised "gangbuster" action including the divorce decree by that summer.

Y. On or about March 24, 1972, defendant Sikorsky and his associates cancelled the deposition of defendant Floyd Monroe that had been granted by the Court on March 17, promised to reschedule the deposition promptly, but failed and refused to do so.

Z. In June, 1972, defendant Sikorsky had a conference with plaintiff Nadine Monroe, admitted he had not handled the case properly, stated he was terminating his associate who had cancelled the deposition described in Paragraph Y above, and stated he knew nothing about the case being referred to a State Referee, defendant Troland.

AA. Defendant Sikorsky delayed the deposition of defendant Floyd Monroe until September 11, 1972, and amended the complaint to include two more serious charges against defendant Floyd Monroe the day after he took the deposition.

BB. On September 11, at the deposition, defendant Floyd Monroe refused to answer material questions upon advise of defendant Brand, and committed perjury in a material matter, his ownership of Floyd Monroe and Son, Inc.

CC. On October 13, 1972, defendant Sikorsky sent a young member of his firm,

with no courtroom experience, to argue the motion he had filed to force defendant Floyd Monroe to answer deposition questions. He failed to tell plaintiff Nadine Monroe or the young inexperienced lawyer that the case had been transferred to State Referee Troland (who was 81 years of age at the time) four months previously, without the prior knowledge or consent of plaintiff Nadine Monroe. Defendant Sikorsky stated that the plaintiffs had to proceed with defendant Troland as Referee; "they had to go ahead with him."

DD. In November 1972, defendant Brand took the deposition of plaintiff Nadine Monroe, represented by another associate of defendant Sikorsky, totally unfamiliar with the case, furthering the goals of the conspiracy to deprive plaintiffs of due process of law by use of the "bait and switch" technique.

EE. In December, 1972, plaintiff Lisa was injured and defendant Floyd Monroe had the charges falsely billed to plaintiff Nadine Monroe, who was harassed for several months by the physician and hospital.

FF. In January, 1973, defendant Brand had Floyd Monroe send him several support checks for the plaintiffs which he forwarded to defendant Sikorsky's office. Sikorsky sent one back to Brand, further delaying payment of living costs.

GG. On January, 30, 1973, the Connecticut Supreme Court reversed a decision of defendant Troland in another divorce property problem; he had "condoned an unpurged act of fraud on the court" and perjury.

HH. From 1973 to the present, the defendant members of the New London County Grievance Committee have refused and failed to consider any grievances against defendant Troland or any other referee, maintaining that he was a "judge", knowing full well that the Connecticut Judicial Review Council would not consider any complaints against defendant Troland because he was "not a judge".

II. On February 6, 1973, at the commencement of the Monroe divorce hearing defendants Sikorsky, Wool, Brand, and Troland represented that plaintiff Nadine Monroe had to go forward with Troland as Referee, forcing her to settle rather than rely on the judgment of defendant Troland. Sikorsky proceeded without resolving the problems of fraud and perjury by defendant Floyd Monroe or determining the actual worth of the corporation or obtaining copies of defendant Floyd Monroe's income tax returns which were material, denying the plaintiffs access to evidence needed to protect their interests. Defendant Sikorsky refused and failed to place on the record defendant Floyd Monroe's perjury concerning concealment of ownership of the corporation stock, or any evidence about concealment of assets at the Chase Manhattan Bank. Defendant

Gottesdiener, under guidance of defendant Wool, gave inaccurate, misleading and incomplete testimony, and defendant Sikorsky failed and refused to resolve the conflicts between the testimony of defendant Gottesdiener and that of defendant Monroe.

JJ. On March 9, 1973, defendant Sikorsky demanded more money of plaintiff Nadine Monroe, without itemizing charges or previous payments, and she paid him \$640.95, which made a total payment of fees of \$3,000.

KK. In August 1973, defendant Sikorsky refused plaintiff Nadine Monroe's request to resolve automobile and the children's trust fund problems and obtain a settlement of Floyd Richard's medical bills. Sikorsky stated he would go to court at a later date but didn't.

LL. On September 4, 1973, plaintiff Nadine Monroe complained to defendants Harris, Miner and McKay, the New London County Grievance Committee, about Gilman. They neglected to process the complaint as required by law. On January 7, 1974, plaintiff Nadine Monroe wrote defendant Santaniello and asked him to take action. He contacted the defendants on the Grievance Committee, who informed him and plaintiff Nadine Monroe falsely that they were investigating and that plaintiff Nadine Monroe would be informed of a decision promptly.

MM. In the Spring of 1974, defendant Sikorsky stated "we" should settle the automobile problem for less as "we" had waited too long to go into court, admitting his malpractice. He admitted he had not completed the necessary work on the child plaintiffs' trust fund. He instructed plaintiff Nadine Monroe to reopen the divorce case because of defendant Floyd Monroe's perjury by asking State's Attorney O'Brien to prosecute him. O'Brien refused; Sikorsky delayed the matter further; the case was never reopened.

NN. On February 6, 1974 defendant Sikorsky sent a bill of \$300 for unitemized services allegedly rendered. When plaintiff Nadine Monroe asked for an accounting, he refused, and stated he would keep her papers until she paid him, and has kept them to this date.

OO. On December 2, 1974, defendant Sikorsky, through a lawyer purporting to represent him, demanded payment of \$336.00 from plaintiff Nadine Monroe in an extortionary letter.

PP. On December 2, 1974, plaintiff Nadine Monroe wrote defendant Santaniello again, who met with her, and contacted the New London County Grievance Committee defendants again.

QQ. On January 6, 1975, the defendants of the New London County Grievance Committee wrote a false and fraudulent letter to plaintiff Nadine Monroe, demonstrating that they had failed and refused to promptly inquire into, investigate thoroughly, and present to the court the offenses of defendant Gilman, namely conspiracy with defendants Wool and Floyd Monroe to delay and injure plaintiffs and actual gross delay and resultant injury, extortion by refusal to return documents, the property of Nadine Monroe, until and unless he was paid, illegal advice to sign fraudulent income tax papers, failure to provide insurance protection for plaintiffs Lisa and Floyd Richard, causing false testimony to be given by defendant Floyd Monroe, refusal to challenge false evidence submitted by defendants Wool and Floyd Monroe, refusal to obtain court orders to which the plaintiffs, refusal to argue pleadings he had filed previously, refusal to make claims on funds due the plaintiffs, acceptance of an unjust settlement without the knowledge or consent of plaintiff Nadine Monroe, failure to conclude litigation, unjust payment of legal fees, allowing defendants Wool and Floyd Monroe to conceal and remove at least \$200,000 in which plaintiffs had an interest, collusion with defendant Wool in failure to argue pleadings, filing pleadings for unjust payment of legal fees by defendant Floyd Monroe without knowledge or consent of plaintiff Nadine Monroe, failure to obtain court orders for the safety of the minor plaintiffs, making himself unavailable to plaintiff Nadine Monroe so that defendant Floyd Monroe could make threats to her, making false and abusive statements and shouting at plaintiff Nadine Monroe, extortion, and refusal to return the lawful property of plaintiff Nadine Monroe to her.

RR. On January 22, 1975, defendant Santaniello wrote a letter to plaintiff Nadine Monroe making false statements about any further recourse she had, falsely protecting the New London County Grievance Committee, and concealing from her that she could bring disciplinary action directly to the Superior Court under Connecticut General Statutes Section 51-90, and further concealing from plaintiff Nadine Monroe that the actions and inactions of the New London County Grievance Committee concerning her problem were unconstitutionally violative of the Fifth and Fourteenth Amendments of the United States Constitution, and Article 1, Section 10 of the Constitution of Connecticut.

SS. On or about January 1975, plaintiff Nadine Monroe wrote to the Hartford County Grievance Committee and informed defendants Dully, Eisenberg, Bill and Dunn of the actions of the other defendants, especially defendant Sikersky. On March 12, 1975

defendant Dunn sent plaintiff Nadine Monroe a letter with the full agreement and knowledge of defendants Dully, Eisenberg and Bill, stating that defendants would not assist the plaintiffs in any way, nor prosecute defendant Sikorsky, and would "not comment on other remedies" available to the plaintiffs. Plaintiff Nadine Monroe attempted to call defendant Dunn but he was "unavailable."

TT. From the latter part of June, 1972 to September, 1972, defendant Gray took complete transcripts made from recording tapes of the illegal "bugs" installed at the Democratic National Committee Headquarters in the Watergate building and transcripts of FBI interviews of Watergate suspects to the White House where they were examined by principals in the Watergate crimes, which acts were known by the general public and the defendant ^{Grievance} Committee members, Harris, Miner and McKay.

UU. In the summer of 1972, defendant Gray transported across state lines and "burned forged documents that had been taken from the safe of Watergate conspirator E. Howard Hunt with his (Gray's) Christmas trash," an act which became public knowledge and of which the defendants Harris, Miner and McKay were well aware.

VV. In March, 1973, defendant Gray committed perjury in the United States Senate hearing on his proposed confirmation as permanent director of the FBI, which illegal and unethical act was known to the general public and defendants Harris, Miner and McKay.

WW. At some time prior to June 7, 1974, defendant Harris, as Chairman of the New London County Grievance Committee, sent for and obtained, the American Bar Association file of defendant Gray. After receiving the file, Harris, Miner and McKay refused and failed to investigate and present to the Superior Court, as required by Connecticut General Statutes Section 51-90, the offenses committed by defendant Gray that were delineated in the American Bar Association File, including, but not limited to, perjury before a Senate Committee, destruction by burning of evidence taken from the White House safe of E. Howard Hunt, and the giving of transcripts to White House personnel of illegally "bugged" telephone conversations of the Democratic National Committee (fruits of the conspiracy to "bug" the Watergate premises) and of FBI interviews with Watergate witnesses.

XX. When, prior to September 1975, defendant McKay, as a member of the New London County Grievance Committee, hereinafter the "Grievance Commi" was informed in writing by Richard Kraemer that Kraemer's lawyer, practicing in New London County, had charged a fee of \$1,000 to prepare an appeal from a state board ruling, collected the fee, and never filed the appeal, never informed Kraemer of the failure to file the case, and refused to return any part of the \$1,000 fee, defendant McKay and his

fellow defendants, Harris and Miner, took no action and never acknowledged the receipt of the grievance.

YY. Several months after the events of Para. XI above, Mr. Kraemer secured an official grievance form from the Clerk of the New London County Superior Court, and filed an official grievance in duplicate with the Clerk. Mr. Kraemer never received any acknowledgement of the complaint nor has he heard of any disciplinary action taken against the attorney, nor has he had any of the services paid for rendered by the lawyer, nor was he refunded the \$1,000 or paid any interest on the sum.

ZZ. Shortly after the events described in Paras. XI and YY above, the defendant members of the Grievance Committee, Harris, Miner, ^{and} McKay, received a letter from Judge Longo, then presiding judge of the New London County Superior Court, describing the actions of Mr. Kraemer's lawyer. The defendant members of the Grievance Committee did not acknowledge receipt of the letter to Mr. Kraemer, and took no action on Judge Longo's letter.

AAA. In 1972, the defendant members of the New London County Grievance Committee started a disciplinary action against Attorney Gerald McDermott, for proven grand larceny by embezzlement of \$550 of the Groton Shipbuilders' Credit Union, A working-men's mutual building and loan association. Although McDermott never made restitution, he was allowed to resign from the bar, and was not charged with or prosecuted for the crime. When another larceny by McDermott came to light when he was no longer a lawyer, he was sentenced to serve "time". The crimes were identical; when McDermott lost his protective aura of lawyer, he was promptly sentenced to jail on the same type of offense.

BBB. In 1972, Attorney Irving Spiro, and in 1975, Attorney Richard Wagner, each stole over \$5,000 from estate funds. The defendant Grievance Committee members prosecuted, and Spiro and Wagner were never charged with any crime. Spiro was suspended from the bar for four months after defendant Gilman, Spiro's attorney, pleaded that Spiro not be suspended, asking "How do you discipline stupidity?" Wagner resigned from the bar. Neither lawyer was ever charged with any criminal offense, a fate reserved for laymen, denying the general public "equal protection of the law."

CCC. In the fall of 1974, Attorney Milton Jacobson slandered Daniel Malchman and filed a baseless civil action against Malchman which was later withdrawn after publicity which damaged Malchman's reputation and business. Jacobson had Bernard Malchman, Daniel's father, then very ill and living at a different address, served with process in the suit, causing great distress to Bernard, and to his son when he

observed the grievous injury to his father. When Malchman filed a grievance with the defendant Grievance Committee members on Dec. 19, 1974, he was told that Jacobson had 30 days to respond. Four months later, not having heard from the Grievance Committee, Malchman contacted the defendant law firm, Suisman, Shapiro, Wool & Brennan to sue Jacobson for loss of business due to the bad publicity from the baseless lawsuit and resulting embarrassment from the suit and the false statement. The defendant law firm refused to take action against a fellow attorney, which is denial of equal protection of the law, of due process of law and the First Amendment right to petition for redress of grievance, not only to Malchman and the general public, but the plaintiffs herein. For almost eighteen months, Mr. Malchman received no reply from the Committee members. In March 1976, when Malchman again called the Grievance Committee, he was told that Jacobson should "apologize". Jacobson has refused to even do this. Mr. Malchman has never been informed by the Grievance Committee members that he may bring a disciplinary action against Jacobson himself, another denial of due process of law by the New London County Grievance Committee, injuring a layman, and denying the public and the plaintiffs the benefit of a rigorously-disciplined bar.

DDD. In Nov. 1962, Mrs. Helen Arpin retained co-conspirator Attorney Allyn Brown in an accident case. Brown, knowing that he represented Aetna Casualty Insurance, accepted the case involving an uninsured tortfeasor although Aetna carried the "uninsured motorist" protection insurance for Mrs. Arpin. Four years after co-conspirator Brown was retained, he permitted the withdrawal from the automobile accident case of the other defendant, owner of the car, who was fully insured. The Arpins had no knowledge of the settlement; they received a check from co-conspirator Brown for \$900, with no accounting. Brown filed another accident action for the Arpins, against Mr. Romanski in 1964, but took no action in four years, so the cases were turned over to the Arpin's next lawyer. On Nov. 22, 1968, Brown moved for permission to withdraw on the basis that he was counsel for Aetna Insurance Company, a conflict of interest. Co-conspirator Attorney Robert Leuba, a former member of Brown's law firm, took over the case. For two years co-conspirator Leuba and his associate, co-conspirator Leo McNamara, refused to answer any call made by the Arpins. In 1970, the Arpins filed a grievance with the defendant Grievance Committee members against co-conspirators Leuba and McNamara. Several months went by, and receiving no answer, the Arpins wrote again. Receiving no reply to the second letter, Mr. Arpin called defendant Harris, and was told never to call him again, as he was a very busy man; Arpin was

to write letters. Arpin stated he had written letters. Defendant Harris told Arpin to call co-conspirator McNamara, who met with the Arpins, apologized for the delay, and stated he would try to get a hearing. On October 30, 1970, a withdrawal from the jury docket was filed in the first Arpin accident case. Ten days later a "final discontinuance" was entered, and, on Nov. 18, a motion to set aside the final discontinuance was filed. On Dec. 1, 1970, a total special damages amount of \$2,300 was entered. Two days later a judgment in the amount of \$7,764.67 was entered. The Arpins were not informed of the judgment, and found out much later thru their physician, Dr. Gosselin. On August 12, 1971, Brown's firm sent a letter to the Arpins asking for payment of the physician's bill and threatened a wage execution to settle the physician's bill of \$600. In December, 1972, the Arpins retained co-conspirator Attorney Konstant Morell to collect the judgment and pursue the neglected Romanski case. In December 1973, Attorney Post of Morell's firm requested a conference with both Brown and McNamara to resolve the malpractice claims. Nothing happened, so in May 1974, the Arpins sent another letter to the defendant Grievance Committee members. Five days later, defendant Harris acknowledged receipt of the letter. A month later, Mr. Arpin called Harris and was told he was not in. The call was not returned. In August 1974, Arpin requested the New London County Bar Association to write to defendant Harris. There was no reply. In Sept. 1974 Arpin wrote the Connecticut State Judicial Department, and in October, a meeting was arranged between the Arpins and co-conspirator Morell. On Nov. 14, Morell wrote a letter making false statements about the Arpin's call. The Arpins finally forced Morell to arrange a meeting to discuss settlement with defendant McNamara since defendant Brown was on a cruise. McNamara offered \$2-3,000. The Arpins rejected the offer, and asked co-conspirator Morell to file malpractice actions. Morell refused, and the Arpins contacted 8 other New London vicinity attorneys to sue for malpractice, all refused. Co-conspirator Attorney Albert Genua refused to file malpractice suits, but offered to settle the cases, and two days later, offered \$5,200 to be accepted "on the spot." When questioned by Arpin, co-conspirator Genua threatened to throw Arpin out of the office. In May, 1975, the State Judicial Department finally responded, by communicating with Chief Justice Cotter for help. In August, 1975 the Arpins retained co-conspirator Attorney Cary Friedle, and in January, 1976, signed a release in favor of Brown and McNamara, accepting \$5,200. Defendant Friedle wrote a letter to the Arpins stating "You are not to make further complaints to any commission or committee, nor are you

to threaten or attempt to pursue litigation," continuing the conspiracy to deny due process of law and the redress of grievances to laymen, and to deny the equal protection of the law to members of the class laymen seeking simple justice and redress against lawyers. On Feb. 25, 1976, Co-conspirator Friedle refused to sue co-conspirator Morell for malpractice, and criticized the Arpins for complaining about Morell.

In March, 1976, co-conspirator Morell ignored and refused the request for their files made by the Arpins. Throughout all this period, the Grievance Committee member refused to inform the Arpins that they could initiate disciplinary action against these various lawyers for conflicts of interest, fraud, refusal to make accountings and extortion, under Section 51-90. For a time, the Arpin papers disappeared from the court clerk's files, but were later found in a safe.

EEE. In 1966, the Congdon family retained co-conspirator Melvin Scott to protect their land from Stella Petrie's "adverse possession" efforts. Co-conspirator Scott and Attorney Fracasso, representing Petrie, measured the land at issue. Both concluded that the land was Congdon's and co-conspirator Scott informed the Congdons that Petrie was wrong. Co-conspirator Scott advised Harry Congdon, 65 years old, and in poor health, to occupy his land with a sheep. The Petrie's son-in-law, Frank Nasti, Jr., 35 years old, 240 pounds, threatened Mr. Congdon, then beat him, kicked him when he was down, and hit him with a stake. The selectman (one was a relative of the Petries), who had been burying people in the Congdon part of the cemetery on Congdon land, had Mr. Congdon arrested and taken to the police station, for allegedly beating Nasti, instead of being treated for his injuries. Mr. Congdon was forced to give up his job permanently, losing \$100 per week, and unable to do his farm chores. Petrie's suit to take over the Congdon land by "squatting" failed. The papers from that case are missing from the files of the court clerk. Mr. Congdon's civil suit against Nasti was handled by co-conspirators Scott (who stated he "liked money"), John Ellsworth (who tried to persuade the Congdons to sign over the disputed land to Petrie), and Edward Lavallee. The case was discontinued for lack of prosecution. Nasti sued Mr. Congdon for "assault and battery" and he and co-conspirator John Collieran attached the Congdon property without giving the Congdons the due process rights of notice or an opportunity to be heard. The attachment has been permitted to stand to the present time. The many attempts by the Congdons to have their grievances processed by the defendant Grievance Committee members have not prevailed; the Committee has refused to inform the Congdons of their due process right to proceed against errant lawyers under Section 51-90 themselves, pro se or by counsel.

FFF. From prior to October, 1968, to the present time, the defendants Harris, Miner and McKay, while sworn to impartially and constitutionally investigate, and present to the Superior Court charges against lawyers of the New London County bar, maintained regular and frequent professional and social contacts among these same lawyers which "interfere with unbiased consideration of complaints by the Committee members".

GGG. On April 26, 1974, the cronyism and resultant repeated failure of the defendant New London County Grievance Committee members to enforce the laws of Connecticut against errant members of the New London County bar and protect the consumers of legal services in the New London County and other state courts caused the Connecticut Bar Association Board of Governors to approve Proposed Rules and submit them together with recommendations for adoption, to the Judges of the Superior Court of Connecticut. Among the proposed rules were:

Rule II - The State of Connecticut shall constitute a single disciplinary district.

Rule 5 (c) (5) - To assign to such hearings committees the conduct of probable cause proceedings concerning charges of misconduct, provided that such matters shall be referred to a hearing committee no member of which maintains an office for the practice of law in the same county as the accused attorney.

5. At all times prior to the events described above, the plaintiffs and the general public of New London County enjoyed peace of mind, security in their persons and possessions, relatively peaceful and just relationships with their fellow citizens, and the protection of the Constitutions and laws of the United States and of Connecticut.
6. As a direct and proximate result of the acts and conduct aforescribed, the plaintiffs and the general public have been deprived of peace of mind, due process of law and the equal protection of the law; they have been left insecure in their persons and possessions, have been threatened, intimidated, harassed, punished, and discouraged from exercising and have been unable to enforce their constitutionally-guaranteed rights, privileges, and immunities, have been charged with exorbitant and extortionate fees maintained by illegal minimum fee schedules, and have been unable to enjoy the benefits of a rigorously-disciplined bar.

WHEREFORE, the plaintiffs demand:

1. For each plaintiff, from the defendants jointly and severally, compensatory damages of four hundred thousand dollars and punitive damages of four hundred thousand dollars;
2. Treble damages for the violation of the Anti Trust laws of the United States;
3. That this Court appoint a guardian ad litem or counsel to protect the interests of the minor plaintiffs and provide them with due process of law;

4. That this Court convene a special three-judge Court to consider the constitutionality of denial of:

- (a) a Superior Court judge in the case New London Superior Court No. 36,506,
(and no. 42/03, Ledovitz v. Ledovitz)
Nadine Monroe v. Floyd Monroe, and order that the proceedings therein were unconstitutional and null and void;
- (b) an impartial prosecutor in the cases of the New London County and Hartford County Grievance Committees, and order that the composition of both Committees is unconstitutional and that, henceforth, no grievance committee member may participate in a matter concerning a lawyer practicing in his county.

5. That this Court order that the defendants, and their agents, employees, associates and successors, be temporarily and permanently enjoined and restrained from causing and committing, while acting in their capacities under color of law, any further enforcement of minimum fee schedules, and denial of, or deterring, blocking, discouraging, threatening, harassing, punishing, or otherwise interfering with, plaintiffs' constitutionally guaranteed rights, privileges, and immunities, including due process of law and equal protection of the law;

6. That this Court order the New London County and Hartford County Grievance Committees placed under the control and operation of a Court-appointed receiver instructed to carry out the provisions of Connecticut General Statutes Section 51-90 and;

7. That plaintiffs be allowed the costs herein, including reasonable attorneys' fees if any, or a sum in lieu of attorneys' fees, travel and other costs in prosecuting this action, and such other relief as may appear to this Court be justified.

By the plaintiffs, pro se

Nadine Monroe, individually and on
behalf of her children, otherwise
unrepresented.

AFFIDAVIT OF VERIFICATION

I, Nadine Monroe, herewith state under the penalty of perjury that I have read the above complaint and that all the factual statements of which I have direct personal knowledge are true, and of the remainder, I believe them to be true, to the best of my information, knowledge, and belief.

Signed this ____ day of May, 1976

Nadine Monroe

Subscribed and sworn before me, this date, May ____, 1976.

My commission expires _____

Notary Public

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

C. A. No. H 76-239

HARRY CONGDON, LOIS CONGDON, JANET CONGDON and LOIS CONGDON CHURCHILL; and
KEVIN LEBOVITZ and KEVIN LEBOVITZ, JR. and ROXANNE LEBOVITZ by their father, next
friend, and natural guardian, Kevin Lebovitz, Plaintiffs

v.

L. PATRICK GRAY, III, LOUIS C. WOOL, LOUIS C. MARUZO, ROY L. SMITH, MELVIN SCOTT,
JOHN COLLERAN, JOHN ELLSWORTH and EDWARD LAVALLEE, individually, and as Commissioners
of the Courts of Connecticut;

HENRY HARRIS, WILLIAM MINER and EDWARD MCKAY, Esquires, individually, and as Chairman
and Members, respectively, of the New London County Grievance Committee, and as
Commissioners of the Courts of Connecticut;

SUISMAN, SHAPIRO, WOOL & BRENNAN, a law partnership

ABRAHAM BORDON, Esquire, individually, and as State Referee of the Hartford County
Superior Court and Commissioner of the Courts of Connecticut;

FRANK NASTI, JR;

STELLA PETRIE;

WILLIAM BEEBE, individually, and as former Selectman of the Town of Lyme, Connecticut;
and

JOHN MAZER, JOSEPH FIRGELEWSKI, and ROBERT MAXWELL, individually, and as Selectman
of the Town of Lyme, Connecticut, Defendants.

TRIAL BY JURY REQUIRED

VERIFIED COMPLAINT

1. (Identical with Para. 1, Monroe Complaint).
2. Defendants L. Patrick Gray III, Louis C. Wool, Henry Harris, William Miner, Edward McKay, Louis C. Maruzo, Roy L. Smith, Melvin Scott, John Colleran, John Ellsworth, Edward Lavallee, (hereinafter Gray, Wool, Harris, Miner, McKay, Maruzo, Smith, Scott, Colleran, Ellsworth and Lavallee), are all Attorneys at Law, duly admitted to practice and practicing under color of law of the State of Connecticut, and Commissioners of the Courts of Connecticut.
Defendant Suisman, Shapiro, Wool & Brennan (hereinafter the "partnership"), is a law partnership, duly registered as such with the appropriate municipal agency. Defendants

Harris, Miner and McKay are the duly appointed and acting Chairman and Members, respectively, of the New London County Grievance Committee, acting at all times herein under color of the law of Connecticut. Defendant Bordon is a duly appointed and acting State Referee, acting at all times herein under color of the laws of Connecticut. Defendants William Beebe is a former Selectman, and John Mazer, Joseph Firgelewski and Robert Maxwell, (hereinafter Beebe, Mazer, Firgelewski and Maxwell), are the duly elected and acting Selectman of Lyme, acting at all times herein under color of state law.

3. (Identical with Para. 3, Monroe Complaint).

4. (Identical with Para. 4, Monroe Complaint).

OVERT ACTS

A. (Identical with Para. 4A, Monroe Complaint).

B. In 1966 the Congdon plaintiffs retained defendant Melvin Scott to protect their land from defendant Stella Petrie's "adverse possession" efforts. Defendant Scott and Attorney Fracasso, representing defendant Petrie, measured the land in issue. It was concluded that the land was Congdon's and defendant Scott informed the Congdons that Petrie was wrong.

C. Defendant Scott advised plaintiff Harry Congdon, 65 years old, and in poor health, to occupy his land with a sheep. In June 1966, the Petrie's son-in-law, defendant Frank Nasti, Jr., 35 years old, 220 pounds, threatened Mr. Congdon, then beat him, kicked him when he was down, and hit him with a stake. Then Frank Nasti had Mr. Congdon arrested and taken to the police station, for allegedly beating defendant Nasti, instead of allowing him to be treated for his injuries. Plaintiff Lois Congdon Churchill wanted to drive plaintiff Harry Congdon to the police station, but they refused this; plaintiff Harry Congdon was put in the barred prisoner section of the police car, without first being checked for injuries. Defendant Nasti was allowed to drive himself to the police station, although he was supposed to be under arrest also. Mr. Congdon was forced to give up his job permanently, losing \$120 per week, and unable to do his farm chores.

On April 17, 1967, defendant Stella Petrie filed suit to take over the disputed land by "squatter's rights" but it failed. The papers from the Petrie-Congdon case

are missing from the files of the New London County Court.

E. Mr. Congdon's civil suit against defendant Nasti, filed July 1967, was first handled by defendant Scott, who stated "he liked money," then defendant Ellsworth who tried to persuade the Congdons to sign over the disputed land to Petrie, and defendant Lavallee. The case was discontinued for lack of prosecution.

F. On October 17, 1967, defendant Nasti sued Mr. Congdon for "assault and battery" and he and defendant Collieran attached the Congdon property without giving the Congdons the due process rights of notice or an opportunity to be heard. The attachment has been permitted to stand to the present time although the case was discontinued for failure to prosecute on July 25, 1972.

G. At various times from 1961 to the present time, the defendant selectmen Beebe, Mazer, Firgelewski, and Maxwell have ordered that various bodies be buried in the Congdon access paths to the Congdon family section of the Griffin Cemetery.

H. The defendant Selectmen of Lyme, Mazer, Firgelewski and Maxwell, have utilized various trust funds for the maintenance of other cemeteries, but have neglected and refused to use Griffin Cemetery funds for the upkeep of the cemetery, and neglected the graveyard, forcing the Congdons to do the maintenance themselves.

I. In early spring 1968, the defendant Selectman of Lyme, Mazer, Firgelewski, and Maxwell, charged the plaintiff Harry Congdon falsely with "illegally operating a junkyard" on the Congdon property, while simultaneously having the Congdons assessed an automobile tax for unlicensed cars, discriminating against the Congdons compared to the other residents and taxable inhabitants of Lyme, denying the Congdons equal protection of the law.

J. On May 6, 1968, the Selectmen had plaintiff Harry Congdon arrested on the false charge of "illegally operating a junkyard". He was taken to the police barracks in a police car with a police dog in it. He was not read his rights. He was later found not guilty of the charge.

K. During this time defendant Ellsworth, advised the Congdons there was no tax on junk, and told them they couldn't keep the unregistered cars, farm tractor and trucks and had to get rid of them. The Congdons had to pay about \$30 a load to a junkman to take the vehicles away. Taxes on the vehicles were to be removed for that year.

L. The Congdons received a tax bill for the 1967 unregistered cars with their tax bill for the farm property in 1972, as ordered by the Selectmen. On June 15, 1973, Janet Congdon left a check of \$279.13, for the full amount of all property taxes due from the Congdons, with the Tax Collector. The Tax Collector, acting under orders of the defendant Selectmen, collected the illegal 1967 personal property taxes on the unregistered vehicles leaving a balance due on the farm property. The Congdons recently paid this bill under protest.

M. The many attempts by the Congdons to have their grievances processed by the defendant Grievance Committee members have not prevailed; the Committee has refused to inform the Congdons of their due process right to proceed against errant lawyers under Section 51-90 of the Connecticut law themselves, pro se.

N. In May, 1973, plaintiff Kevin Lebovitz retained defendant Wool to represent Lebovit and his children's interests, and help Lebovitz return his children Kevin, Jr. (hereinafter Kevin) and Roxanne Lebovitz (hereinafter Roxanne) to their home with plaintiff Lebovitz from Rhode Island, where Mrs. Lebovitz had taken them illegally when she deserted Lebovitz to maintain an adulterous relationship with another man. Plaintiff Lebovitz asked Wool if he could bring the children back to Connecticut, and defendant Wool falsely said no.

O. On Sept. 7, 1973, plaintiff Lebovitz paid defendant Wool \$250, and went to family court. Plaintiff Lebovitz had gathered evidence against his wife and her lover, but defendant Wool refused and failed to introduce it, and plaintiff Lebovitz was ordered to pay \$80 per week for alimony and child-support, all the utilities for the house and to vacate the house so his wife could move back in. Defendant Wool illegally and unethically told plaintiff Lebovitz not to leave the house until he told him to and, a short time later plaintiff Lebovitz was ordered into family court on contempt charges for not leaving. Wool then told Lebovitz to "leave the house that night or he would be in jail the next morning."

P. On October 9, 1973, plaintiff Lebovitz paid defendant Wool another \$250. Then defendant Wool asked Lebovitz for another \$500 "to save the house". Lebovitz paid Wool the \$500, but Wool did not save the house.

Q. In December, 1973, defendant Wool told plaintiff Lebovitz to hire a private

detective to obtain additional evidence, which he did, but Wool later refused to put in evidence that which would have caused the plaintiffs to be reunited. This included evidence of malnutrition, diseases due to lack of normal cleanliness, and her giving the children dangerous, illegal drugs and cigarettes to smoke. When defendant Wool was shown the children, and saw how dirty they were, he promised to get custody for plaintiff Lebovitz, but never submitted any evidence or asked for a hearing on custody charge.

R. Lebovitz's wife often refused to let him see his children, plaintiff Kevin, Jr. and Roxanne, during court-ordered visitation, but defendant Wool refused to do anything about it. When he did get to visit the children they were always dirty.

S. In January 1974, plaintiff Lebovitz lost work because of bad weather, and could not keep up the temporary support payments, but Wool refused to act promptly to have the payments reduced. When the payments were finally reduced, defendant Wool and defendant Maruzo, Lebovitz's wife's lawyer, made Lebovitz give her the family car. Defendant Wool told Lebovitz that his wife had to pay the installments on the car and to give her the payment book. She did not make the payments, and the bank took the car. Defendant Wool informed Lebovitz falsely that he could get the car from the bank if he made the back payments, that this would keep his (Lebovitz) credit rating from going bad, but that Lebovitz would have to sell the car quickly, even at a loss. Lebovitz lost approximately \$800 on the forced sale of the car, and his credit is so bad he cannot get a loan on another car. Defendants Wool and Maruzo told plaintiff Lebovitz to get to work somehow or go to jail for failing to pay support.

T. Prior to going to court for the divorce on June 10, 1974, defendants Wool and Maruzo demanded \$1,250 for Wool and \$250 for Maruzo. Defendant Wool gave up the plaintiffs right to be heard by a competent judge, in order to make work for defendant Bordon, a state referee.

U. On June 10, 1974, a hearing was supposed to be held before defendant Bordon. Plaintiff Lebovitz had brought in the private detective and other witnesses to his wife's using drugs and giving them to the children. Defendant Bordon refused to hold the hearing, and defendant Wool failed and refused to put in any evidence, to get the

plaintiff a proper hearing, so they were denied their constitutional rights to a hearing on the merits and to submit evidence on their behalf. Defendants Wool and Maruzo determined the settlement.

V. After the settlement on June 10, 1974, defendant Wool delayed taking action to settle the sale of the house, so the plaintiff Lebovitz was forced to retain defendant Smith for a fee of \$400 and he agreed to get the house conveyed to plaintiff Lebovitz.

W. Neither defendant Wool nor Smith would give plaintiff Lebovitz a copy of his divorce decree. On February 20, 1976 he finally purchased a copy from the court clerk. Defendant Smith informed plaintiff Lebovitz that defendant Bordon should never have signed the papers the way the divorce was settled and he also said that defendant Wool had misrepresented the plaintiff but would not take a malpractice suit against him. He did not offer any information regarding the New London County Grievance Committee.

X. On Easter Sunday, 1975, Lebovitz went to Rhode Island to pick up his children but no one was home. Defendant Smith told Lebovitz not to pay support for weeks he didn't get his children. Lebovitz followed his advice, and two months later, defendant Smith called Lebovitz and told him that the sheriff was looking for Lebovitz to serve papers for non-support. Defendant Smith volunteered to take service for the papers from the sheriff without Lebovitz's knowledge or consent. Defendant Smith then changed his statement, and advised Lebovitz not to withhold payments when he was refused court-ordered visitations, even though such visitations are constitutional right, and refused to ask the court for equal procedural rights for men in family problems. During this time plaintiff Kevin, Jr. was denied proper medical treatment for an infection of his toe, which later required a skin graft.

Y. In June, 1975, defendants Smith and Maruzo had support payments raised because Lebovitz's ex-wife was pregnant by her new husband, and had new expenses.

Z. In the last week of June, 1975, plaintiff Lebovitz was laidoff, but Smith refused and failed to get the support payments lowered, leaving plaintiff Lebovitz with but \$20 per week to live on.

AA. On July 1, 1975, the Lebovitz plaintiffs were allowed two weeks visitation. The skin graft location on Kevin's leg had still not healed, because of lack of medical

treatment. Plaintiff Lebovitz had to train his children all over again to use soap.

BB. Starting October 1, 1975, the plaintiffs were kept apart by refusal of defendants Smith and Maruzo to enforce visitation. When plaintiffs were next together, plaintiff Kevin Jr. had impetigo sores all over his body. For the next few weekends, plaintiff Lebovitz had to arrange diagnosis, treatment, and medication for plaintiff Kevin, Jr. Neither child is being taught to clean their teeth, and Kevin Jr. has a great deal of dental problems. Defendant Smith still refused to apply for change of custody.

CC. On December 10, 1975, defendant Maruzo demanded and received \$500, for a total payment of \$750, the judgment later disclosed he was only to receive \$500, and Smith demanded and received an additional \$116.68. Plaintiff Lebovitz asked defendant Smith again to get a change custody, but defendant Smith said that it would be difficult, and take a long time, without much chance of success because defendant Maruzo's wife is on the state board of health, and defendant Maruzo has relatives who are judges and lawyers in New London and Norwich courts.

DD. On May 21, 1973, when the plaintiff first learned about the New London County Grievance Committee, he telephoned their office and asked what could be done. Defendant Harris, Miner and McKay refused and failed to tell him that he could file his own removal action in the Superior Court, and need not ask them. They have not informed him that they do not give speedy consideration to pro se grievances and have never acted against a lawyer on the basis of a pro se grievance. Shortly thereafter, the plaintiff Lebovitz filed a complaint against defendants Wool, Smith and Maruzo, with the Grievance Committee.

EE. (Identical to Para. DDD Monroe Complaint).

FF. & GG. (Identical with Paras. TT & UU, Monroe Complaint).

HH. On January 11, 1973, defendant Gray ordered an illegal and unconstitutional "mail cover" on the national headquarters of a political party, the Socialist Workers Party, knowing that there was no indictment pending against any members of the political party who was under indictment. From time to time, defendant Gray ordered other illegal and unconstitutional "mail covers" and telephone taps.

II. & JJ. (Identical to VV. & WW., Monroe Complaint).

KK. to UU. Described in greater detail in Paras. 4B to 4SS of Monroe Complaint.

VV. to AAA. (Identical to Paras. 4XX. to CCC. of Monroe Complaint).

BBB. to 5. (Identical to Paras. 4FFF. to 5, Monroe Complaint).

6. As a direct and proximate result of the acts and conduct aforescribed, the plaintiffs and the general public have been deprived of peace of mind, due process of law and the equal protection of the law; they have been left insecure in their persons and possessions, have been threatened, intimidated, harassed, punished, and discouraged from exercising and have been unable to enforce their constitutionally-guaranteed rights and privileges, and immunities, have, in the case of plaintiff Harry Congdon, been beaten, falsely arrested, and illegally imprisoned, have been charged with exorbitant and extortionate fees maintained by illegal minimum fee schedules, and have been unable to enjoy the benefits of a rigorously-disciplined bar.

WHEREFORE, the plaintiffs demand:

1. For each plaintiff, with the exception of the plaintiffs Harry Congdon and Kevin Lebovitz, Jr. and Roxanne Lebovitz, from the defendants jointly and severally, compensatory damages of four hundred thousand dollars, and punitive damages of four hundred thousand dollars, and for plaintiffs Harry Congdon and Kevin Lebovitz, Jr. and Roxanne Lebovitz, from the defendants, jointly and severally, compensatory damages of eight hundred thousand dollars each and punitive damages of eight hundred thousand dollars each;
2. Treble damages for the violation of the Anti Trust laws of the United States;
3. That this Court appoint a guardian ad litem or counsel to protect the interests of the minor plaintiffs and provide them with due process of law;
4. That this Court convene a special three-judge Court to consider the constitutionality of denial of:
 - (a) a Superior Court judge in the New London Superior Court case No. 42765, Dorothy Ann Sposato Lebovitz v. Kevin Lebovitz, and order that the proceedings therein were unconstitutional and null and void;
 - (b) that the appointment of any State Referee over 70 years of age who is paid

by the day of service and selected by attorneys instead of a judge in a contested case is a denial of an impartial tribunal and thus a denial of due process under color of state law; and

(c) (Identical to Para. 4(c) Prayers, Monroe Complaint).

5. to 7. (Identical to Prayers 5. to 7., Monroe Complaint).

By the plaintiffs, pro se

/s/ Harry Congdon
Beaverbrook Rd.
Lyme, Conn.

/s/ Lois Congdon
Beaverbrook Rd.
Lyme, Conn.

/s/ Janet Congdon
Beaverbrook Rd.
Lyme, Conn.

/s/ Lois Congdon Churchill
22 Lebanon Avenue
Colchester, Conn.

/s/ Kevin Lebovitz
46 Morgan Street
Pawcatuck, Conn.
individually, and on
behalf of his children,
otherwise unrepresented.

(AFFIDAVITS OF VERIFICATION)

UNITED STATES DISTRICT COURT

DISTRIST OF COLUMBIA

UNITED STATES OF AMERICA, Plaintiff,
v.
AMERICAN BAR ASSOCIATION, Defendant.

Civil Action No. 76-1182
Filed: June 25, 1976
FOR INJUNCTIVE RELIEF

COMPLAINT

The United States of America, plaintiff, by its attorneys, acting under the direction of the Attorney General of the United States, brings this civil action to obtain equitable relief against the above-named defendant and complains and alleges as follows:

I. JURISDICTION AND VENUE

1. This Complaint is filed under Sec. 4 of the Act of Congress of July 2, 1890, as amended (15 USC Sec. 4), commonly known as the Sherman Act, in order to prevent and restrain the continuing violation by the defendant, as hereinafter alleged, of Sec. 1 of said Act (15 USC 1).

2. The defendant, American Bar Association, maintains an office, transacts business, and is found within the District of Columbia.

II. Defendant

3. The American Bar Association (hereinafter referred to as "ABA") is made the defendant herein. ABA is an unincorporated association having its principal place of business in Chicago, Illinois. The ABA's membership consists primarily of attorneys.

III. CO-CONSPIRATORS

4. Various persons and organizations, not made defendants herein, have participated as co-conspirators in the violation of Sec.1 of the Sherman Act hereinafter alleged and have performed acts and have made statements in furtherance thereof. Such co-conspirators include, but are not limited to, members of defendant ABA.

IV. TRADE AND COMMERCE

5. The ABA's membership includes approximately 200,000 lawyers located throughout the United States. These lawyers provide legal services to individuals, corporations, and other legal entities located throughout the United States and in foreign countries. These legal services facilitate, direct, and shape the conduct of interstate and international business and contribute directly to the flow of persons, money, goods, and services in interstate

commerce.

6. ABA members provide legal services to individuals, corporations, and other entities in states other than the one in which the member maintains his principal place of business. ABA members also provide legal services to individuals, corporations, and other entities who negotiate and otherwise deal with persons situated in states other than the one in which the member maintains his principal place of business. In the course of providing legal services, members of the ABA often travel from state to state and make substantial use of interstate mail and wire services in the transport of funds, documents, contracts, memoranda, and other communications throughout the United States.

7. The activities of the defendant and its members, as described above, and herein, are within the flow of interstate commerce, and have a substantial effect upon interstate commerce.

V. VIOLATION ALLEGED

8. For many years past, and continuing up to and including the date of the filing of this Complaint, the defendant and co-conspirators have been engaged in a combination and conspiracy in unreasonable restraint of the aforesaid trade and commerce in violation of Sec. 1 of the Sherman Act. Said unlawful combination and conspiracy is continuing and will continue unless the relief hereinafter prayed for is granted.

9. The aforesaid combination and conspiracy has consisted of a continuing agreement, understanding and concert of action among the defendant and co-conspirators, the substantial terms of which have been and are:

- (a) That the defendant adopt, publish and distribute a Code of Professional Responsibility containing provisions prohibiting lawyers from engaging in price advertising and other advertising about the availability and cost of legal services;
- (b) That the members of the ABA abide by said provisions of the Code of Professional Responsibility;
- (c) That the defendant and co-conspirators police said provisions of the Code of Professional responsibility.

10. For the purpose of effectuating the aforesaid combination and conspiracy, the defendant and co-conspirators have done those things which, as hereinbefore alleged, they agreed to do.

VI. EFFECTS

11. The foresaid combination and conspiracy has had the following effects, among others:

- (a) Price competition in the provision of legal services has been restrained;
- (b) Purchasers and potential purchasers of legal services have been deprived of the opportunity to obtain information about the cost and availability of legal services;
- (c) Purchasers of legal services have been deprived of the benefits of free and open competition in the sale of such services;
- (d) Lawyers have been restrained in their ability to make legal services readily and fully available to consumers.

PRAYER

WHEREFORE, plaintiff prays:

1. That the Court adjudge and decree that the defendant has engaged in an unlawful combination and conspiracy in restraint of the aforesaid trade and commerce in violation of Sec. 1 of the Sherman Act.
2. That the defendant, its officers, governors, agents, employees, and all other persons acting or claiming to act on its behalf be enjoined and restrained from continuing, maintaining or renewing the aforesaid combination and conspiracy, and from entering into, maintaining, or participating in any agreement, understanding, plan, program or other arrangement having the purpose or effect of continuing, maintaining or renewing such combination and conspiracy.
3. That the defendant be required to cancel those provisions of its Code of Professional Responsibility and every other rule, opinion, resolution, or statement of policy which have the purpose or effect of suppressing or restricting advertising by lawyers.
4. That the plaintiff have such other and further relief as the nature of the case may require and the Court may deem just and proper under the circumstances.
5. That the plaintiff recover the costs of this suit.

/s/ Thomas E. Kauper
Ass't Attorney General

/s/ Bruce B. Wilson Joe Sims Baddia J. Rashid William E.
Swope Kenneth C. Anderson Seymour H. Dussman Dan W.
Schneider, Attorneys, Department of Justice

RELEVANT DOCKET ENTRIES

	Date Filed
Motion to Amend Complaint by adding For New Defendants	May 10, 1976
Permission to Amend (Complaint) Allowed	May 12, 1976
Ruling on Motions to Dismiss (Granted) (both cases)	June 25, 1976
Notice of Appeal (both Cases)	July 19, 1976

AUTHORITIES - CONNECTICUT GENERAL STATUTES

Sec. 51-85. Commissioners of the superior court. Each attorney-at-law admitted to practice within the state, while in good standing, shall be a commissioner of the superior court and, in such capacity, may, within the state, sign writs and subpoenas, take recognizances, administer oaths and take depositions and acknowledgments of deeds.

The signing of a writ by a lawyer as a commissioner of the superior court is not a mere ministerial act. A writ of mandamus to compel the signing will not be granted. 142 C. 411. Cited. 162 C. 255.

Sec. 51-90. Grievance committees; appointment and duties. At the first regular session or term of the superior court held in each county after the month of July in each year, said court shall appoint one or more grievance committees of such county, each consisting of three members of the bar of such county, engaged in practice, to remain in office until their successors are in like manner appointed, whose duty it shall be to inquire into, investigate and present to said court offenses not occurring in the actual presence of the court involving the character, integrity, professional standing and conduct of members of the bar residing or practicing in such county, and to investigate and present to said court any person deemed in contempt of court under section 51-88. If a committee does not deem the offense under investigation by it to be sufficiently serious to present such person to the court, such committee may, in its discretion, reprimand such person or cause him to be reprimanded by a judge of the court either in open court or in chambers as such committee and such judge deem proper. Any vacancy in the membership of a grievance committee may be filled in the same manner as the original appointment. If any member of a grievance committee is disqualified or for any other reason unable to act in any matter, the presiding judge of the superior court in the county for which such committee was appointed may designate to act in such matter a member of the bar in the same county or a member of a grievance committee from another county.

(1949 Rev. S. 7643, February, 1965, P.A. 120, 1969, P.A. 33.)

Of the functions of the grievance committee, right to present for offenses not exclusive. 84 C. 603, 88 C. 456. Grievance committee is an independent public body charged with performance of public duty, may appeal from dismissal of complaint against attorney. 112 C. 263.

Legislature contemplated impartial investigation. 4 CS 502. Cited. 7 CS 468. Action of grievance committee in reprimanding an attorney does not prevent the superior court from taking jurisdiction of the same complaint. 21 CS 363. Mailing of 9250 Christmas cards found obvious device to "drum up business" and conduct unbecoming lawyers. 22 CS 86.

Sec. 52-434. Retired judges as state referees. Hearings. Compensation. Trial referees. Appointment of additional referees. Each judge of the supreme court, each judge of the superior court and each judge of the court of common pleas who ceases or has ceased to hold office because of retirement other than under the provisions of section 51-49 shall be a state referee during the remainder of his life. The superior court or the court of common pleas may, with the written consent of the parties or their attorneys, refer any case pending before such court in which the issues have been closed to such a state referee who shall have and exercise the powers of the superior court or court of common pleas in respect to trial, judgment and appeal in such case. Each judge of the circuit court who has ceased to hold office because of retirement other than under the provisions of section 51-49 shall be a state referee during the remainder of his life to whom the court of common pleas may, with the written consent of the parties or their attorneys, refer any case pending in such court in which the issues have been closed. Such referee shall hear such case and report the facts to the court by which the case was referred. Each judge of the juvenile court who ceases or has ceased to hold office because of retirement other than under the provisions of section 51-49 shall be a state referee during the remainder of his life to whom the senior judge of the juvenile court may, with the written consent of the child concerned, either of his parents or his guardian or his attorney, refer any matter pending in said court. Such referee shall hear such matter and report the facts to the court for the district from which the matter was referred. Each hearing by a state referee shall be held in a suitable room, to be provided by the public works commissioner, in a courthouse in the county where the case is pending unless the parties or their attorneys stipulate in writing that such hearing may be held elsewhere. Such state referee may have the attendance of a sheriff or deputy sheriff at any hearing before him, and such sheriff or deputy sheriff shall receive the same compensation provided for attendance at regular sessions of the court from which the case was referred which compensation shall be taxed by such state referee in the same manner as similar costs are taxed by the judges of the court. Such state referee may compel the attendance of any witness summoned to appear before him at any hearing, in the same manner as attendance of any witness may be compelled in the referring court, and may punish for any act of contempt committed in his presence while engaged in such hearing in the same manner and to the same extent as judges of such court. Each state referee shall receive, for acting as such referee or as a single auditor or committee of any court, in addition to his retirement salary, the sum of fifty dollars and his expenses, including mileage, for each day he is so engaged, said sums to be taxed by the court making such reference in the same manner as other court expenses. The chief justice of the supreme court may designate as trial referees, from among the state referees, those to whom cases may be referred, and no case of any adversary nature shall be referred to any referee other than one so designated. The chief justice may also appoint, from qualified members of the bar of the state, so many state referees as he may from time to time deem advisable or necessary. No such designation or appointment shall be for a term of more than one year. Each state referee appointed by the chief justice from members of the bar shall receive such reasonable compensation and expenses as may be determined by him.

(1949 Rev. S. 8177, 1955, S. 3207d, 1959, P.A. 363, S. 1, 1963, P.A. 149, 642, S. 56, 1967, P.A. 621, S. 5, 628, S. 5, 1971, P.A. 720, P.A. 73-287, P.A. 74-183, S. 107, 241.)

See Conn. Const. Art. V, S. 6.

Report of referee stands before court as would a report from a committee. 58 C. 374. Cited. 136 C. 82. See notes to sections 52-425, 52-431. Cited. 158 C. 16, 291.

Superior court has no power to refer any matter to a state referee unless all parties consent. 16 CS 460. Cited. 30 CS 354.